



E. SCOTT PRUITT
ADMINISTRATOR

February 22, 2018

MEMORANDUM

SUBJECT: Delegation of Authority 1-8, Schedule C, Administratively Determined, Senior Level Scientific and Professional, Administrative Law Judge and SES Personnel Actions

FROM: E. Scott Pruitt

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over the printed name "E. Scott Pruitt". The signature is stylized and includes a long horizontal stroke extending to the right.

TO: Deputy Administrator
General Counsel
Assistant Administrator, Office of Administration and Resources Management
Regional Administrators

1-8 Schedule C, Administratively Determined, Senior Level Scientific and Professional, Administrative Law Judge and SES Personnel Actions (1200 TN 448)

1. AUTHORITY.

- a. To approve all personnel actions with respect to Schedule C, Administratively Determined, Senior Level, Scientific and Professional, Administrative Law Judge and Senior Executive Service employee positions and rates of pay, as applicable, and when authorized by statute or Office of Personnel Management regulation, except those actions described in paragraph 1.b. and 1.c. below.
- b. To approve all conduct and discipline personnel actions for SL, ST and SES employees, except for actions against SES employees in the Office of Inspector General, as noted in paragraph 3 below.
- c. To initiate a removal, suspension, reduction-in-grade, reduction-in-pay or furlough for 30 calendar days or less for Administrative Law Judges by filing a complaint with the U.S. Merit Systems Protection Board.



2. TO WHOM DELEGATED.

a. The authority in paragraph 1.a., except for Schedule C, non-career SES and AD positions, is delegated to the assistant administrator for Administration and Resources Management, who will work in consultation with the Administrator or his/her designee in reviewing such actions.

b. The authority in paragraph 1.b. is delegated to the SL, ST and SES employees' respective assistant administrator, general counsel or regional administrator except that when SL, ST and SES employees in the offices of more than one AA, the GC or RA are the subjects of a conduct and discipline action arising out of a common set of facts, the authority in paragraph 1.b. is delegated to the Deputy Administrator. The Deputy Administrator is the approving official for paragraph 1.b. actions for SL, ST and SES employees assigned to the Office of the Administrator. The Deputy Administrator is also the approving official for paragraph 1.b. actions when a deputy assistant administrator or deputy regional administrator is involved in a conduct and discipline action.

c. The authority in paragraph 1.c. is delegated to the OARM AA.

2. LIMITATIONS. These authorities do not apply to any personnel actions covered under Section 6 of the Inspector General Act of 1978, as amended by P.L. No. 100-504, except to the extent the Inspector General delegates his/her authority to the U.S. Environmental Protection Agency.

3. REDELEGATION AUTHORITY.

a. The authority in paragraph 1.a. may be redelegated through the director of the Office of Management and Administration – Research Triangle Park to the director of the Human Resources Management Division – Research Triangle Park and may not be redelegated further.

b. The authority in paragraph 1.b. may be redelegated to deputy assistant administrators. In addition, when SL, ST and SES employees in the offices of more than one AA, the GC or RA are the subjects of a conduct and discipline personnel action arising out of a common set of facts, the Deputy Administrator may redelegate this authority to an AA, the GC or an RA, who may not redelegate further.

c. The authority in paragraph 1.c. may be redelegated to the director, Office of Human Resources and may not be redelegated further.

d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

4. ADDITIONAL REFERENCES. None.



E. SCOTT PRUITT
ADMINISTRATOR

April 27, 2018

MEMORANDUM

SUBJECT: Approval Process for Administrator Expenses

FROM: E. Scott Pruitt
Administrator
Environmental Protection Agency

A handwritten signature in blue ink, which appears to read "Scott Pruitt", is written over the "FROM:" field and extends into the "TO:" field.

TO: Deputy Administrator
Assistant Administrators
Regional Administrators

It is my priority to ensure that all expenditures incurred in support of my duties reflect my judgment and demonstrate good stewardship of taxpayer dollars. Effective immediately, the Deputy Administrator, Chief of Staff, and Chief Financial Officer will have final approval over expenditures by agency personnel over \$5,000 made on my behalf to execute my official duties. Implementation guidance will be forthcoming from the Deputy Administrator, Chief of Staff, and the Chief Financial Officer.

cc: Henry Darwin
Ryan Jackson
Helena Wooden-Aguilar

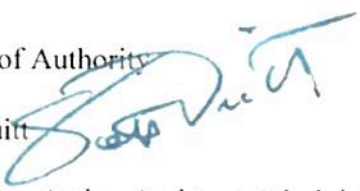


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 07 2017

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Delegation of Authority
FROM: E. Scott Pruitt 
TO: Donna Vizian, Acting Assistant Administrator
Office of Administration and Resources Management

I am delegating to Ryan T. Jackson, in his capacity as Chief of Staff, the authority to approve all personnel actions for personnel appointed under the Safe Drinking Water Act, as amended, P.L. 95-190, § 11(b) (often referred to as "administratively determined or AD appointments) in the Office of the Administrator. This delegation supersedes that portion of the July 9, 2013 delegation to the Deputy Chief of Staff dealing with Administratively Determined positions.

I retain the right to exercise or withdraw the authority that I have delegated.

cc: Ryan T. Jackson
John E. Reeder
Reginald E. Allen
Brian Hope



E. SCOTT PRUITT
ADMINISTRATOR

MEMORANDUM

SUBJECT: Protective Security Protection Sign Off Declaration

DATE: April 27, 2018

FROM: Administrator Scott Pruitt

TO: Susan Bodine, Assistant Administrator, Office of Enforcement and Compliance Assurance

I am aware that this protection has been offered to me and is available but, for personal reasons, I wish to decline this protection from April 28, 2018 at 3:30PM to May 4, 2018 at 11:00PM and hereby relieve the Office of Criminal Enforcement, Forensics and Training of the obligation to provide personal security.

I request the Protective Services Division to provide protection to the Miami airport on April 28, 2018 and meet my plane when I arrive back at Reagan airport on May 4, 2018 to transport me back to my local residence, at which time, protective services will resume.

Thank you,

A handwritten signature in blue ink, appearing to read "Scott Pruitt", written over a horizontal line.

EPA Administrator Scott Pruitt

A handwritten signature in blue ink, appearing to read "Hayley Ford", written over a horizontal line.

Witness

MEMORANDUM

SUBJECT: Protective Security Protection Sign Off Declaration

DATE: May 23, 2018

FROM: Administrator Scott Pruitt

TO: OECA Assistant Administrator, Susan Bodine

I am aware that this protection has been offered to me and is available but, for personal reasons, I wish to decline this protection from 05/25/2018 to 05/29/2018 and hereby relieve the Office of Criminal Enforcement, Forensics and Training of the obligation to provide personal security.

I request the Protective Services Division to provide protection on 05/25/2018 from my residence in Washington, D.C. to my residence in Tulsa, Oklahoma where it will cease until 05/29/2018. I request protection be reinstated on 05/29/2018 to transport me from my residence in Tulsa, Oklahoma back to my residence in Washington, D.C. where normal protective services will resume.

Thank you,

A handwritten signature in blue ink, appearing to read "Scott Pruitt", with a long horizontal flourish extending to the right.

EPA Administrator Scott Pruitt

A handwritten signature in black ink, appearing to read "Hayley", with a stylized flourish at the end.

Witness

MEMORANDUM

SUBJECT: Protective Security Protection Sign Off Declaration

DATE: May 31, 2018

FROM: Administrator Scott Pruitt

TO: OECA Assistant Administrator, Susan Bodine

I am aware that this protection has been offered to me and is available but, for personal reasons, I wish to decline this protection from 06/01/2018 to 06/04/2018 and hereby relieve the Office of Criminal Enforcement, Forensics and Training of the obligation to provide personal security.

I request the Protective Services Division to provide protection on 06/01/2018 from my TDY in Cleveland, MS to my residence in Tulsa, Oklahoma where it will cease until 06/04/2018. I request protection be reinstated on 06/04/2018 to transport me from my residence in Tulsa, Oklahoma to my TDY in Boise, ID where normal protective services will resume.

Thank you,

A handwritten signature in blue ink, appearing to read "Scott Pruitt", written over a horizontal line.

EPA Administrator Scott Pruitt

A handwritten signature in black ink, appearing to read "Kelsi Daniell", written over a horizontal line.

Witness



E. SCOTT PRUITT
ADMINISTRATOR

May 22, 2017

*Superfund file
(in topic
section)*

MEMORANDUM

SUBJECT: Prioritizing the Superfund Program

FROM: E. Scott Pruitt

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

A large, stylized handwritten signature in blue ink, which appears to be "E. Scott Pruitt", written over the "TO:" list.

Protecting human health and the environment is the core mission of the U.S. Environmental Protection Agency, and ensuring that the Superfund program and the EPA's land and water cleanup efforts operate effectively and efficiently is a cornerstone of this mission. In my interactions and meetings with Congress, governors, local officials and concerned citizens, I have heard that some Superfund cleanups take too long to start and too long to complete. The process of evaluating the contamination at a site and developing the appropriate remedy can take years – if not decades – delaying remediation of the site and withholding the full beneficial use of the area from the local community.

The Superfund program is a vital function of the EPA. Under my administration, Superfund and the EPA's land and water cleanup efforts will be restored to their rightful place at the center of the agency's core mission. In order to properly prioritize the Superfund program that citizens count on to revitalize their communities, I am taking these immediate actions:

- First, to promote increased oversight, accountability and consistency in remedy selections, authority delegated to the assistant administrator for Office of Land and Emergency Management and the regional administrators to select remedies estimated to cost \$50 million or more at sites shall be retained by the Administrator. I have issued revised delegations and internal directive documents, consistent with this memorandum and the EPA's legal authorities, to memorialize this change in how the agency makes these extremely significant decisions.

1200 PENNSYLVANIA AVE. NW • MAIL CODE 1101A • WASHINGTON, DC 20460 • (202) 564-4700 • FAX: (202) 501-1450

- Second, notwithstanding this change, regional administrators and their staffs shall more closely and more frequently coordinate with the Administrator's office throughout the process of developing and evaluating alternatives and selecting a remedy, particularly at sites with remedies estimated to cost \$50 million or more.

Furthermore, I am establishing a task force to provide recommendations on an expedited timeframe on how the agency can restructure the cleanup process, realign incentives of all involved parties to promote expeditious remediation, reduce the burden on cooperating parties, incentivize parties to remediate sites, encourage private investment in cleanups and sites and promote the revitalization of properties across the country. The task force will be chaired by Albert Kelly, senior advisor to the Administrator, and shall include leaders from OLEM, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, EPA Region 3 (as the lead region for the Superfund program) and other offices as appropriate. The task force shall, within 30 days of this memorandum, provide me with a detailed set of recommendations on actions that the agency can take to:

- Streamline and improve the efficiency and efficacy of the Superfund program, with a focus on identifying best practices within regional Superfund programs, reducing the amount of time between identification of contamination at a site and determination that a site is ready for reuse, encouraging private investment at sites during and after cleanup and realigning incentives of all involved parties to foster faster cleanups.
- The task force should propose recommendations to overhaul and streamline the process used to develop, issue or enter into prospective purchaser agreements, bona fide prospective purchaser status, comfort letters, ready-for-reuse determinations and other administrative tools under the agency's existing authorities used to incentivize private investment at sites.
- Streamline and improve the remedy development and selection process, particularly at sites with contaminated sediment, including to ensure that risk-management principles are considered in the selection of remedies at such sites. In addition, the task force should propose recommendations for promoting consistency in remedy selection and more effective utilization of the National Remedy Review Board and the Contaminated Sediments Technical Advisory Group in an efficient and expeditious manner.
- Utilize alternative and non-traditional approaches for financing site cleanups, as well as improvements to the management and use of Superfund special accounts.
- Reduce the administrative and overhead costs and burdens borne by parties remediating contaminated sites, including a reexamination of the level of agency oversight necessary.
- Improve the agency's interactions with key stakeholders under the Superfund program, particularly other federal agencies at federal facilities and federal potentially responsible parties, and expand the role that tribal, state and local governments, local and regional economic development zones and public-private partnerships play in the Superfund program. In addition, the task force should propose recommendations for better addressing the liability concerns of state, tribes and local governments.

I look forward to receiving these recommendations and working together with EPA staff, as well as our partners across the federal government, in states, tribes, local communities and with potentially responsible parties and other stakeholders to improve the Superfund program. I am confident that, with a renewed sense of urgency, leadership and fresh ideas, the Superfund program can reach its full potential of returning formerly contaminated sites to communities for their beneficial use.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

MEMORANDUM FOR THE RECORD

SUBJECT: Appointment of Personnel to Position Under the Authority of P.L. 95-190

Pursuant to the authority vested in me under P.L. 95-190, I hereby authorize the appointment of Sarah Greenwalt to serve as Senior Advisor to the Administrator. Ms. Greenwalt will be compensated at the rate of \$164,200 per annum.


E. Scott Pruitt
Administrator



E. SCOTT PRUITT
ADMINISTRATOR

Friends and Colleagues –

We have been hard at work enacting President Donald Trump's agenda during my first year as EPA Administrator. His courage and leadership have been key to our success. From his decision to exit the Paris Accord to his executive order empowering EPA to review and rescind the Clean Power Plan, the President is delivering on his promises and getting results for the American people.

We are following his lead. Days after being sworn in, I addressed EPA's employees and committed to listening and working cooperatively with states and stakeholders to tackle today's environmental challenges. In my first year, I traveled to 30 states and U.S. territories and met with 34 bipartisan governors and over 350 stakeholder groups. We are taking important actions in collaboration with – not opposition to – the states.

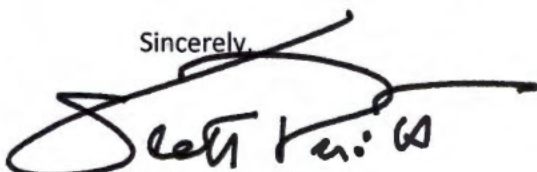
I committed to refocusing the Agency on its core mission. Today, we are focusing on cleaning up contaminated lands, improving air quality and rebuilding America's water infrastructure. Finally, I promised that we would restore the rule of law. We are rescinding and replacing the burdensome Waters of the U.S. rule, and we ended the harmful and wrongful practice of "sue and settle."

These are just a few examples of my commitment to fulfilling these promises. This report details EPA's accomplishments and what they mean for the American people and the environment. The sum of these actions is monumental: **In year one, EPA finalized 22 deregulatory actions, saving Americans more than \$1 billion in regulatory costs.**

We have made tremendous progress in year one to implement the President's vision. EPA today is more efficient, more effective and more transparent in carrying out its all-important task of protecting human health and the environment. Much work remains to be done though. We will help repair our nation's crumbling water infrastructure; we will continue to clean up and revitalize more Superfund sites; and we will work with states to continue to improve air quality. Thanks to our reforms and improvements in year one, we now have the framework and policies in place to tackle these problems head on.

I look forward to working together to accomplish even more progress in 2018.

Sincerely,



E. Scott Pruitt



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 24, 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Executive Order 13777: Enforcing the Regulatory Reform Agenda

FROM: E. Scott Pruitt

TO: Acting Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators
Director, Office of Small and Disadvantaged Business Utilization

A handwritten signature in blue ink, which appears to read "E. Scott Pruitt", is written over the "TO:" list of recipients.

On February 24, 2017, the President issued Executive Order 13777 on Enforcing the Regulatory Agenda. The EO, designed to reduce the regulatory burdens agencies place on the American people, directs agencies to undertake several activities to further this goal.

As a first step, the EO requires the designation of a Regulatory Reform Officer and the establishment of a Regulatory Reform Task Force. I have asked Samantha Dravis, Senior Counsel and Associate Administrator for Policy, to lead our efforts in this area and serve as the EPA's RRO. Further, I have asked that Ryan Jackson, Chief of Staff, serve as the chairman of the Task Force. Other members of the Task Force include Byron Brown and Brittany Bolen, Deputy Chief of Staff for Policy and Office of Policy Deputy Associate Administrator, respectively.

The Task Force is charged with evaluating existing regulations and making recommendations to me regarding those that can be repealed, replaced or modified to make them less burdensome. The EO also requires that the Task Force seek input from entities significantly affected by our regulations, including state, local and tribal governments, small businesses, consumers, non-governmental organizations and trade associations.

As a first step, by May 15, 2017, the Offices of Air and Radiation, Land and Emergency Management, Chemical Safety and Pollution Prevention, Water, Environmental Information, Congressional and Intergovernmental Relations and Small and Disadvantaged Business

Utilization should provide the Task Force with recommendations regarding specific rules that should be considered for repeal, replacement or modification. While we intend to do some general outreach regarding this effort, I would like the recommendations from those offices to be informed by consultation with their particular stakeholders. Specifically, each of those offices should hold a dedicated public meeting on this topic so that we can listen and learn directly from those impacted by our regulations. All of the regional and headquarters offices receiving this memo should provide their recommendations to the Task Force by May 15. Regional offices should send their comments to OCIR for consolidation before they are provided to the Task Force.

Samantha and Ryan will be reaching out with additional information. Thank you for your help with this extremely important initiative.

cc: Sarah Rees
Al McGartland



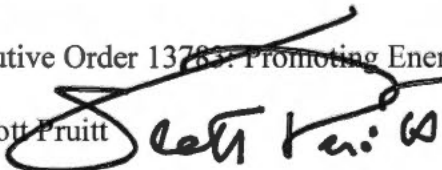
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 19, 2017

THE ADMINISTRATOR

MEMORANDUM

RE: Executive Order 13783: Promoting Energy Independence and Economic Growth

FROM: E. Scott Pruitt 

TO: Acting Deputy Administrator
Acting General Counsel
Acting Assistant Administrators
Inspector General
Acting Chief Financial Officer
Chief of Staff
Associate Administrators
Acting Regional Administrators
Director, Office of Small and Disadvantaged Business Utilization

On March 28, 2017, the President signed Executive Order 13783, "Promoting Energy Independence and Economic Growth." The EO established a national policy to promote the clean and safe development of our energy resources while reducing unnecessary regulatory burdens and directs federal agencies to undertake several actions to further this goal. EPA has already taken action toward implementing Sections 4 and 7 of the EO by issuing four *Federal Register* notices regarding rules specified in the EO. This memorandum serves to inform you of the next steps necessary to carry out additional requirements in the EO.

Section 2 of the EO directs the EPA to review existing regulations, orders, guidance documents and policies that potentially burden the development or use of domestically produced energy resources. The EO further requires the EPA to send a plan to carry out this review to the Director of the Office of Management and Budget by May 12, 2017, and submit a draft report with specific recommendations on deregulatory actions in the energy sector by July 26, 2017, followed by a final report due in September.

I have already communicated to all of you about the important work the agency's Regulatory Reform Task Force will be undertaking in response to EO 13777, "Enforcing the Regulatory Reform Agenda." That work includes making recommendations about regulations that could be repealed, replaced or modified to make them less burdensome. In light of the similarities between EO 13783 and EO 13777 on regulatory review, I have asked the Task Force to lead the agency's efforts to implement Section 2 of EO 13783. Accordingly, the Task Force will consider

regulations that might burden the development or use of domestically produced energy resources and prepare the required plan and report.

As your offices conduct your planned outreach to the public regarding regulatory reform initiatives per EO 13777, I request that you also look for input regarding regulatory burdens on domestically produced energy resources and identify relevant actions to the Task Force. Such information will greatly assist the Task Force and will bolster the draft report that is due in July.

Should it be needed, Samantha Dravis, Senior Counsel and Associate Administrator for Policy, who serves as the agency's Regulatory Reform Officer, will provide any additional information. Thank you for your help with our regulatory reform initiatives.

cc: Byron Brown
Brittany Bolen
Sarah Rees
Al McGartland



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Diana Esher
Assistant Regional Administrator
for Policy and Management
Region 3
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Dear Ms. Esher:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Performance Review Board for a term beginning immediately and ending December 31, 2019.

The Performance Review Board performs the essential service of reviewing performance appraisals of senior executive service members, senior level and scientific and professional employees and making recommendations concerning performance ratings, pay adjustments and awards.

Enclosed are copies of the board's charter and a list of members.

I appreciate your willingness to devote time, expertise and energy to the Performance Review Board, and I look forward to working with you.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Sheila Frace
Deputy Director
Office of Wastewater Management
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. Frace:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Performance Review Board for a term beginning immediately and ending December 31, 2019.

The Performance Review Board performs the essential service of reviewing performance appraisals of senior executive service members, senior level and scientific and professional employees and making recommendations concerning performance ratings, pay adjustments and awards.

Enclosed are copies of the board's charter and a list of members.

I appreciate your willingness to devote time, expertise and energy to the Performance Review Board, and I look forward to working with you.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Mr. Howard Osborne
Associate Chief Financial Officer
Office of the Chief Financial Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Mr. Osborne:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Performance Review Board for a term beginning immediately and ending December 31, 2019.

The Performance Review Board performs the essential service of reviewing performance appraisals of senior executive service members, senior level and scientific and professional employees and making recommendations concerning performance ratings, pay adjustments and awards.

Enclosed are copies of the board's charter and a list of members.

I appreciate your willingness to devote time, expertise and energy to the Performance Review Board, and I look forward to working with you.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Sylvia Quast
Regional Counsel - Region 9
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Dear Ms. Quast:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Performance Review Board for a term beginning immediately and ending December 31, 2019.

The Performance Review Board performs the essential service of reviewing performance appraisals of senior executive service members, senior level and scientific and professional employees and making recommendations concerning performance ratings, pay adjustments and awards.

Enclosed are copies of the board's charter and a list of members.

I appreciate your willingness to devote time, expertise and energy to the Performance Review Board, and I look forward to working with you.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Mary Ellen Radzikowski
Acting Associate Assistant Administrator
National Center for Environmental Research
Office of Research and Development
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. Radzikowski:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Performance Review Board for a term beginning immediately and ending December 31, 2019.

The Performance Review Board performs the essential service of reviewing performance appraisals of senior executive service members, senior level and scientific and professional employees and making recommendations concerning performance ratings, pay adjustments and awards.

Enclosed are copies of the board's charter and a list of members.

I appreciate your willingness to devote time, expertise and energy to the Performance Review Board, and I look forward to working with you.

Respectfully yours,

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the typed name. The signature is stylized with a large, sweeping loop at the beginning.

E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Mr. Gregory Sayles
Director
National Homeland Security Research Center
Office of Research and Development
U.S. Environmental Protection Agency
26 West Martin Luther King Drive
Cincinnati, Ohio 45269

Dear Mr. Sayles:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Performance Review Board for a term beginning immediately and ending December 31, 2019.

The Performance Review Board performs the essential service of reviewing performance appraisals of senior executive service members, senior level and scientific and professional employees and making recommendations concerning performance ratings, pay adjustments and awards.

Enclosed are copies of the board's charter and a list of members.

I appreciate your willingness to devote time, expertise and energy to the Performance Review Board, and I look forward to working with you.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Lorie Schmidt
Associate General Counsel - Air and Radiation
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. Schmidt:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Performance Review Board for a term beginning immediately and ending December 31, 2019.

The Performance Review Board performs the essential service of reviewing performance appraisals of senior executive service members, senior level and scientific and professional employees and making recommendations concerning performance ratings, pay adjustments and awards.

Enclosed are copies of the board's charter and a list of members.

I appreciate your willingness to devote time, expertise and energy to the Performance Review Board, and I look forward to working with you.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Mr. Rohit Mathur
Senior Atmospheric Scientist
Office of Research and Development
U.S. Environmental Protection Agency
109 T.W. Alexander Drive
Research Triangle Park, North Carolina 27709

Dear Mr. Mathur:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Performance Review Board for a term beginning immediately and ending December 31, 2019.

The Performance Review Board performs the essential service of reviewing performance appraisals of senior executive service members, senior level and scientific and professional employees and making recommendations concerning performance ratings, pay adjustments and awards.

Enclosed are copies of the board's charter and a list of members.

I appreciate your willingness to devote time, expertise and energy to the Performance Review Board, and I look forward to working with you.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Mr. Reginald Allen
Director
Office of Administrative and Executive Services
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Mr. Allen:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

Enclosed are copies of the board's charter and a list of members.

I look forward to working with you and the entire Executive Resources Board on significant senior executive service matters.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Mr. Edward Chu
Acting Regional Administrator
Region 7
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, Kansas 66219

Dear Mr. Chu:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

Enclosed are copies of the board's charter and a list of members.

I look forward to working with you and the entire Executive Resources Board on significant senior executive service matters.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Nancy Grantham
Senior Advisor for
Emergency Response Communications
Office of the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. Grantham:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

Enclosed are copies of the board's charter and a list of members.

I look forward to working with you and the entire Executive Resources Board on significant senior executive service matters.

Respectfully yours,

A handwritten signature in black ink, which appears to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Margaret Guerriero
Acting Director
Superfund Division
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Dear Ms. Guerriero:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

Enclosed are copies of the board's charter and a list of members.

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Deborah Jordan
Acting Deputy Regional Administrator
Region 9
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Dear Ms. Jordan:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

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Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Mr. Matthew Leopard
Director
Office of Information Management
Office of Environmental Information
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Mr. Leopard:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

Enclosed are copies of the board's charter and a list of members.

I look forward to working with you and the entire Executive Resources Board on significant senior executive service matters.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Mr. Kenneth Moraff
Director
Office of Ecosystem Protection
Region 1
U.S. Environmental Protection Agency
5 Post Office Square
Boston, Massachusetts 02109-3912

Dear Mr. Moraff:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

Enclosed are copies of the board's charter and a list of members.

I look forward to working with you and the entire Executive Resources Board on significant senior executive service matters.

Respectfully yours,

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E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Susan Shinkman
Director
Office of Civil Enforcement
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. Shinkman:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

Enclosed are copies of the board's charter and a list of members.

I look forward to working with you and the entire Executive Resources Board on significant senior executive service matters.

Respectfully yours,

A handwritten signature in black ink, which appears to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt

Enclosures



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 20, 2017

THE ADMINISTRATOR

Ms. Donna J. Vizian
Acting Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. Vizian:

I am pleased to appoint you to the U.S. Environmental Protection Agency's Executive Resources Board for a term beginning immediately and ending December 31, 2019.

Executive Resources Board members make an important contribution to developing and managing the EPA's executive services. The board plays a key role in advising me on a broad range of policies and programs for the senior executive service and in managing and overseeing the senior executive service merit-staffing process.

Enclosed are copies of the board's charter and a list of members.

I look forward to working with you and the entire Executive Resources Board on significant senior executive service matters.

Respectfully yours,

A handwritten signature in black ink, which appears to read "E. Scott Pruitt", is written over a horizontal line.

E. Scott Pruitt

Enclosures



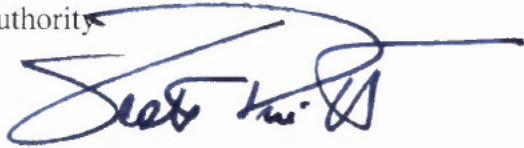
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR 07 2017

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt 

TO: Brian T. Hope, Acting Director
Office of the Executive Secretariat

I am delegating to Ryan T. Jackson, in his capacity as chief of staff, the authority to sign all documents requiring my signature and to approve use of the autopen to affix my signature to documents.

cc: Michael P. Flynn
Ryan T. Jackson
John E. Reeder
Robin H. Richardson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

March 24, 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Improved Management of Regulatory Actions

FROM: E. Scott Pruitt

TO: Acting Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators
Director, Office of Small and Disadvantaged Business Utilization

A large, stylized handwritten signature in blue ink is positioned to the right of the "TO:" list. The signature appears to read "E. Scott Pruitt".

To achieve strong human health and environmental protection consistent with our core mission, the U.S. Environmental Protection Agency's policymaking process must be of the highest quality. As one of the most active regulatory agencies in the federal government, this goal is especially important to us. I am fully committed to ensuring that EPA's policymaking process for regulatory and non-regulatory actions – whether routine and non-controversial or more complex and novel – is based on transparency, sound science and adherence to our legal authorities and executive orders. The Office of Policy will play a critical role in managing this effort.

To ensure these considerations are realized and to have a more regular, comprehensive understanding of the policymaking activities the agency is undertaking, I would like to both expand and improve our internal mechanisms for information sharing. Effective immediately, EPA program and regional offices shall report all regulatory actions in the agency's regulatory management system and adopt such reporting as common practice moving forward. Regulatory actions to be reported include, but are not limited to, those related to any statutory or judicial deadlines, petitions, pesticide tolerances, significant new use rules, national priority listings or de-listings, permits, federal implementation plans and state implementation plans. As a general matter, offices should err on the side of including actions in the system.

Officials entering information in the system must certify its accuracy and update the information in a timely manner. The Office of General Counsel shall ensure there is complete and accurate data on applicable statutory and judicial deadlines for all actions in the system. I have

asked the Office of Policy to provide specific guidance to your offices on how to enter these actions into the agency's regulatory management system, along with any additional information that may be required.

I am confident these improvements will enhance our efforts to protect human health and the environment, foster a credible process for EPA policymaking and provide proper implementation of our legal requirements and applicable executive orders. I look forward to the success of this improved process for managing the agency's regulatory activity.

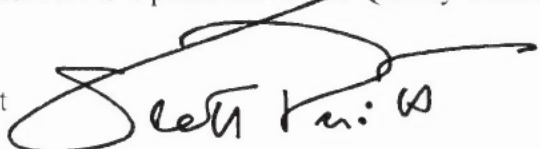


E. SCOTT PRUITT
ADMINISTRATOR

May 16, 2017

MEMORANDUM

SUBJECT: Temporary Delegation of Authority to Respond to a Petition for Rulemaking under the Clean Water Act to Update the Water Quality Criteria for Toxics in the State of Florida

FROM: E. Scott Pruitt 

TO: Michael H. Shapiro, Acting Assistant Administrator
Office of Water

I hereby delegate to the acting assistant administrator for the U.S. Environmental Protection Agency's Office of Water the authority to sign the EPA's decision responding to the June 18, 2009, petition submitted by the Florida Clean Water Network requesting that the agency establish new and revised water quality standards for human health protection via federal rulemaking in Florida.

1. **AUTHORITY.** To sign the agency's decision responding to the June 18, 2009, petition submitted by the Florida Clean Water Network. Sections 553(e) and 555(b) of the Administrative Procedure Act provide that federal agencies may be petitioned for rulemaking and that agencies must respond to petitions "within a reasonable time."
2. **TO WHOM DELEGATED.** The Office of Water acting assistant administrator.
3. **LIMITATIONS.** This delegation is limited to the purposes stated above and may be exercised only within the limitations of the Clean Water Act.
4. **REDELGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.** None.



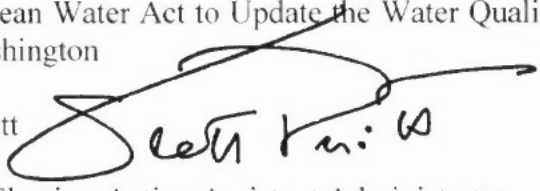


E. SCOTT PRUITT
ADMINISTRATOR

May 16, 2017

MEMORANDUM

SUBJECT: Temporary Delegation of Authority to Respond to a Petition for Rulemaking under the Clean Water Act to Update the Water Quality Criteria for Toxics in the State of Washington

FROM: E. Scott Pruitt 

TO: Michael H. Shapiro, Acting Assistant Administrator
Office of Water

I hereby delegate to the acting assistant administrator for the U.S. Environmental Protection Agency's Office of Water the authority to sign the EPA's decision responding to the October 28, 2013, petition submitted by the Northwest Environmental Advocates requesting that the agency establish new and revised water quality standards for human health and aquatic life protection via federal rulemaking in Washington.

1. **AUTHORITY.** To sign the agency's decision responding to the October 28, 2013, petition submitted by the Northwest Environmental Advocates. Sections 553(e) and 555(b) of the Administrative Procedure Act provide that federal agencies may be petitioned for rulemaking and that agencies must respond to petitions "within a reasonable time."
2. **TO WHOM DELEGATED.** The Office of Water acting assistant administrator.
3. **LIMITATIONS.** This delegation is limited to the purposes stated above and may be exercised only within the limitations of the Clean Water Act.
4. **REDELGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.** None.



E. SCOTT PRUITT
ADMINISTRATOR

May 9, 2017

MEMORANDUM

SUBJECT: Revisions to CERCLA Delegations of Authority 14-2 Responses and 14-21A Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities

FROM: E. Scott Pruitt

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over the printed name.

TO: Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

The Superfund program is a vital function of the U.S. Environmental Protection Agency, and under my administration, Superfund and the EPA's land and water cleanup efforts will be restored to their rightful place at the center of the agency's core mission. As such, in order to facilitate the more-rapid remediation and revitalization of contaminated sites and to promote accountability and consistency in remedy selection, I have issued the accompanying revised CERCLA delegation of authority. With this revised delegation, authority previously delegated to the Assistant Administrator for Office of Land and Emergency Management and the Regional Administrators to select remedies estimated to cost \$50 million or more at sites shall be retained by the Administrator.

The purpose of these revisions is to improve the remedy selection process and to involve the Administrator and the Administrator's office in this process more directly. In light of this revised delegation, please take all necessary steps to adjust associated consultations, reviews and other practices in a manner consistent with the revised delegation. As part of effectuating this adjustment to the remedy selection process, I ask that you involve the Administrator's Office early on and throughout the process of developing and evaluating alternatives and remedy selection. This is particularly important for sites where you anticipate that the preferred remedial alternative and/or the remedy selected in the Record of Decision will be estimated to cost more than \$50 million and thus will require the Administrator's approval and signature on the Record of Decision. It is through this enhanced cooperation and continuous involvement that we will work to revitalize this essential agency effort while enhancing consistency in remedy selection across states and the regions.

Please consult the revised delegations for additional information. The revised delegations are effective immediately.




E. SCOTT PRUITT
ADMINISTRATOR

May 9, 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-2 Responses

FROM: E. Scott Pruitt 

TO: Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

14-2. Responses (1200 TN 531)

1. AUTHORITY.

To respond to any release or threatened release of a hazardous substance, pollutant or contaminant pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, Section 104, and 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan."

2. TO WHOM DELEGATED.

- a) The Administrator reserves the authority to select the remedy in the Record of Decision when the estimated cost of the remedy exceeds \$50 million. The Administrator may delegate this authority to the Deputy Administrator and no further.
- b) All other authorities are delegated to the assistant administrator for the Office of Land and Emergency Management and regional administrators.

3. LIMITATIONS.

- a) These authorities shall be exercised subject to approved funding levels.
- b) Regional Administrators may exercise these authorities only at sites located within their respective regions, unless there is a memorandum of agreement that authorizes cross-boundary emergency response.
- c) Regional Administrators may select a response action. Consultation prior to selection may be required by memorandum from the AA OLEM.

- d) Unless waived by memorandum, the AA OLEM must approve the use of the consistency waiver in Section 104(c) (1)(C) of CERCLA for removal actions at sites not proposed to or final on the National Priorities List.
- e) When the emergency waiver in Section 104(c)(1)(A) is used, regional administrators may approve removal actions costing up to \$6 million. Regional administrators must seek approval from the AA OLEM for removal actions costing more than \$6 million and requiring the emergency waiver. This limitation may be waived or modified by memorandum from the AA OLEM.
- f) Unless waived by memorandum, the AA OLEM must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the List of Nationally Significant or Precedent-Setting Removal Action categories.

4. REDELEGATION AUTHORITY.

- a) The AA OLEM may redelegate these authorities to the office director level, or equivalent, and no further.
- b) Regional administrators may redelegate these authorities to the branch chief level, or equivalent, and no further.
- c) Regional administrators may redelegate to designated On-Scene Coordinators the authority to determine the need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency.
- d) An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a) CERCLA, Sections 101(23), 101(24), 105, 113, 116, 117, 118, 120, 121 and 126(b).
- b) 40 CFR 35, Subpart O, "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions."
- c) EPA Delegation 14-1, Superfund State Contracts and Cooperative Agreements.
- d) EPA Delegation 14-17, National Priorities List.
- e) EPA Delegation 14-22, Response Action Administrative Record.
- f) EPA Delegation 14-30, Acquisition of Property.
- g) Limited Contracting Officer Warrant Authority issued to designated OSCs.
- h) "Use of Non-Time-Critical Removal Authority in Superfund Response Actions," OSWER Directive 9360.0-40P, February 14, 2000, specifying the director, Office of Emergency and Remedial Response/OLEM will consult with the Director, Office of Site Remediation Enforcement/Office of Enforcement and Compliance Assurance prior to concurring on any engineering evaluation/cost analysis approval memorandum for a Fund-lead action that could exceed \$6 million.
- i) All other directives, policy and guidance issued by OLEM and OECA pertaining to response and consultation requirements.



E. SCOTT PRUITT
ADMINISTRATOR

May 9, 2017

MEMORANDUM

SUBJECT: Delegation of Authority 14-21A Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities

FROM: E. Scott Pruitt

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over the "FROM:" line and extends into the "TO:" line.

TO: Assistant Administrator
Office of Land and Emergency Management

Regional Administrators

14-21A. Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities (1200 TN 539)

1. AUTHORITY.

Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended: to consult with agencies, departments and instrumentalities regarding investigations and studies of federal facilities under Section 120(e)(1); to review the plans for and results of such investigations and studies under Section 120(e)(2); to select remedial actions under Section 120(e)(4); and to determine under Section 120(e)(6) that remedial investigations and feasibility studies or remedial action will be done properly at a federal facility by another potentially responsible party within the deadlines provided in Section 120(e)(1), (2) and (3).

2. TO WHOM DELEGATED.

- a. The Administrator reserves the authority for purposes of Section 120(e)(4) to select the remedy in the Record of Decision when the estimated cost of the remedy exceeds \$50 million. The Administrator may delegate this authority to the Deputy Administrator and no further.
- b. All other authorities are delegated to the assistant administrator for the Office of Land and Emergency Management and regional administrators.

3. LIMITATIONS.

Consultation prior to selection of a remedial action may be required by memorandum from the AA OLEM.

4. REDELEGATION AUTHORITY.

- a. The AA OLEM may redelegate these authorities to the director, Federal Facilities Restoration and Reuse Office, and no further.
- b. Regional administrators may redelegate these authorities to the branch chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan."
- b. EPA Delegation of Authority 14-2, Response.
- c. EPA Delegation of Authority 14-21-B, Agreements with Other Federal Agencies.
- d. EPA Delegation of Authority 14-40, Evaluation of Approved Remedial Design.



E. SCOTT PRUITT
ADMINISTRATOR

June 21, 2017

MEMORANDUM

SUBJECT: Delegation of Authority 1-128, Criminal Enforcement Actions

FROM: E. Scott Pruitt

TO: Assistant Administrator
Office of Enforcement and Compliance Assurance

General Counsel
Office of General Counsel

Criminal Enforcement Actions (1200 1-128 TN 651)

1. AUTHORITY.

- a. To cause criminal matters under the statutes listed below to be referred to the Department of Justice for assistance in field investigation, initiation of a grand jury investigation, prosecution, or other matters related to a criminal investigation and prosecution, under the following statutes:
 - Clean Water Act;
 - Clean Air Act;
 - Comprehensive Environmental Response, Compensation, and Liability Act;
 - Emergency Planning and Community Right-to-Know Act;
 - Federal Insecticide, Fungicide and Rodenticide Act;
 - Marine Protection, Research and Sanctuaries Act;
 - Solid Waste Disposal Act;
 - Safe Drinking Water Act;
 - Toxic Substances Control Act; and
 - Act to Prevent Pollution from Ships.
- b. To request the Attorney General to initiate an appeal in a criminal case and represent the U.S. Environmental Protection Agency in such an appeal.
- c. To authorize payments of awards up to \$10,000 to any individual who provides information leading to the arrest and conviction of any person for a violation subject to a criminal penalty under CERCLA. See also 5. ADDITIONAL REFERENCES (5)(k).

2. TO WHOM DELEGATED.

- a. The authorities in 1(a), 1(b) and 1(c) are delegated to the assistant administrator for the Office of Enforcement and Compliance Assurance.
- b. The authority in 1(b) is delegated to the general counsel.

3. LIMITATIONS.

- a. After conferring, any exercise of appeal authority under 1(b) will be exercised jointly by the general counsel and the assistant administrator of OECA. Either office may waive, on a case-by-case basis, its authority to request DOJ to initiate an appeal. In the event of such a waiver, a single office requesting a DOJ appeal must notify the other prior to exercising the authorities in 1(b).

4. REDELEGATION AUTHORITY.

- a. The authorities in 1(a) and (b) may be redelegated to the director, Office of Criminal Enforcement, Forensics and Training, and may be further redelegated to the division director level, and may not be redelegated further.
- b. The authorities in 1(b) may be redelegated to a deputy general counsel and may not be redelegated further.
- c. The authority in 1(c) to approve individual payments in excess of \$5,000 but not exceeding \$10,000 may be redelegated to the director, OCEFT or equivalent and no further.
- d. The authority in 1(c) to approve individual payments not to exceed \$5,000 may be redelegated to the division director level, or equivalent, and no further.
- e. An official who redelegated an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically delegated.

5. ADDITIONAL REFERENCES.

- a. Sections 309(c)(1), 309(c)(2), 311(b)(5) and 404(n) of CWA
- b. Sections 113(c), 113(a)(3)(D), 113(f) of CAA
- c. Sections 103(b), 103(c), 103(d) and 109(d) of CERCLA
- d. Section 325 of EPCRA
- e. Sections 9(c), 12, 13(b) and 14(b) of FIFRA
- f. Sections 101 and 107(c) of MPRSA
- g. Sections 3008(d) and 3008(e) of SWDA
- h. Sections 1423(b), 1424(c), 1432(a)-(b), and 1441(e) of SDWA
- i. Sections 15 and 16(b) of TSCA
- j. Sections 1907 and 1908(a) of APPS
- k. See Delegation 7-134, Clean Air Act Citizen Awards Program, for authority to authorize payments of awards in accordance with EPA's Citizen Awards Program in the CAA Section 113(f))



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 27, 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Delegation of Authority
FROM: E. Scott Pruitt
TO: Reginald E. Allen
Assistant Deputy Chief of Staff

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, stylized flourish extending from the end.

I hereby delegate to you the authority to act as the deciding official on the proposed disciplinary action issued to (b)(6)
(b)(6)

cc: John E. Reeder
Donna J. Vizian




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 4, 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Delegation of Authority
FROM: E. Scott Pruitt 
TO: Donna J. Vizian, Acting Assistant Administrator
Office of Administration and Resources Management

I am delegating to John E. Reeder, in his capacity as Deputy Chief of Staff through the Chief of Staff, the authority to perform the functions and duties described in Delegation 1-8, Section 1.a.:

"To approve all personnel actions with respect to Schedule C, Administratively Determined (AD), Senior Level (SL), Scientific and Professional (ST), Administrative Law Judge (ALJ), and Senior Executive Service (SES) employee positions and rates of pay, as applicable, when authorized by statute or Office of Personnel Management regulation, except those actions described in paragraph 1.b. and 1.c. below" [Note: 1.b. and 1.c. deal with SL, ST and SES conduct and discipline actions and adverse actions against ALJs, respectively.]

This delegation may not be redelegated. I retain the right to exercise or withdraw the authority conveyed by this delegation.

cc: Michael P. Flynn
Ryan T. Jackson
John E. Reeder
Brian T. Hope



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 4, 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt

TO: Ryan T. Jackson
Chief of Staff

U.S. Environmental Protection Agency Delegation 1-83, "Final Decisions on Formal Complaints of Discrimination Filed Under 29 CFR 1614 by EPA Employees or Applicants for Employment," authorizes the Director of the Office of Civil Rights to refer to the Administrator for final decision any complaint that the Director determines is appropriate for referral.

By this memorandum, John E. Reeder, in his capacity as Deputy Chief of Staff, is delegated the authority to receive, evaluate and make final agency decisions on such referrals and to redelegate this authority to whomever he deems appropriate.

I retain the right to exercise or withdraw the authority conveyed by this delegation.

cc: Michael P. Flynn
John E. Reeder
Tanya Lawrence
Brian T. Hope

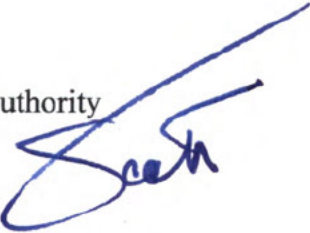


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Delegation of Authority
FROM: E. Scott Pruitt 
TO: Brian T. Hope, Acting Director
Office of the Executive Secretariat

I am delegating to Samantha K. Dravis, in her capacity as Senior Counsel and Associate Administrator for Policy, the authority to sign all documents related to regulatory matters requiring my signature and to approve use of the autopen to affix my signature to documents.

cc: Michael Flynn
Ryan T. Jackson
Samantha Dravis
John Reeder




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 4, 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Delegation of Authority
FROM: E. Scott Pruitt 
TO: Donna J. Vizian, Acting Assistant Administrator
Office of Administration and Resources Management

I am delegating to John E. Reeder, in his capacity as Deputy Chief of Staff, the following authorities:

1. To approve all personnel actions and to take all disciplinary or adverse actions for Office of the Administrator employees who are General Schedule grade levels 15 and below, including the associate administrator offices and staff offices;
2. To approve all personnel actions for employees appointed under the Safe Drinking Water Act, as amended, P.L. 95-190 § 11(b) (often referred to as "administratively determined" or AD appointments);
3. To receive, investigate and make final decisions on grievances filed under agency or union grievance procedures; and
4. To approve travel authorizations and travel vouchers for employees of the Immediate Office of the Administrator.

I retain the right to exercise or withdraw the authority conveyed by this delegation.

cc: Michael P. Flynn
Ryan T. Jackson
John E. Reeder
Brian T. Hope

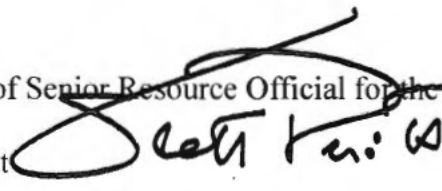


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 4, 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Designation of Senior Resource Official for the Office of the Administrator
FROM: E. Scott Pruitt 
TO: David A. Bloom
Acting Chief Financial Officer

In accordance with the requirements of the Chief Financial Officer Act of 1990, I designate Deputy Chief of Staff John E. Reeder as the Senior Resource Official for the Office of the Administrator, including the associate administrator offices and staff offices.

I retain the right to exercise or withdraw the authority conveyed by this designation.

cc: Michael P. Flynn
Ryan T. Jackson
John E. Reeder
Brian T. Hope

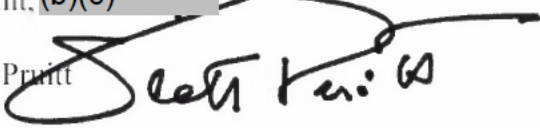


E. SCOTT PRUITT
ADMINISTRATOR

June 28, 2017

MEMORANDUM

SUBJECT: Temporary Delegation of Authority Regarding U.S. Office of Special Counsel Complaint, (b)(6)

FROM: E. Scott Pruitt 

TO: Arron Helm, Director
Office of Administration and Resources Management - Research Triangle Park

In accordance with Executive Order 9830, February 24, 1947, as amended, I hereby delegate to you the authority to review the claims and issues raised in U.S. Office of Special Counsel Complaint No. (b)(6) and make any necessary decisions on behalf of U.S. Environmental Protection Agency management regarding the Complaint.

An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

This temporary delegation of authority will remain in effect until December 31, 2017, unless extended or superseded by a subsequent delegation.

cc: John E. Reeder
Donna J. Vizian

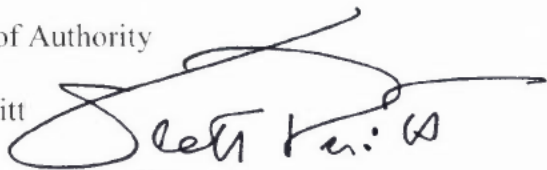


E. SCOTT PRUITT
ADMINISTRATOR

June 2, 2017

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt 

TO: Brian T. Hope, Acting Director
Office of the Executive Secretariat

I am delegating to Byron Brown, in his capacity as Deputy Chief of Staff for Policy, the authority to sign all documents requiring my signature and to approve use of the autopen to affix my signature to documents.

cc: Michael P. Flynn
Ryan T. Jackson
Byron Brown
John E. Reeder
Troy M. Lyons

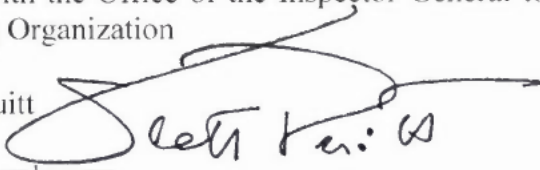


E. SCOTT PRUITT
ADMINISTRATOR

July 31, 2017

MEMORANDUM

SUBJECT: Working with the Office of the Inspector General to Ensure the EPA is a High-Performing Organization

FROM: E. Scott Pruitt 

TO: All EPA Employees

We all share in the public trust that accompanies our positions serving in the U.S. Environmental Protection Agency. One of the ways we ensure accountability deserving of the public trust is through the review and oversight carried out by our Office of Inspector General. The OIG is an independent office within the EPA that serves to prevent and root out fraud, waste and abuse in agency programs and operations. This important work enables us all to be more effective in achieving the agency's mission. This memorandum serves to explain how I expect agency personnel to work with the OIG and how the OIG conducts its mission.

To meet its statutory mandate, the OIG regularly requires information and assistance from EPA managers and staff. The IG Act states that the IG is authorized to have timely access to all information and material that is available to the agency and relates to the programs and operations for which the Inspector General has responsibilities under this Act. It is imperative and expected that agency personnel provide the OIG with access to personnel, facilities and records, in addition to other information or material that the OIG needs to accomplish its mission. Because I recognize that providing information to the OIG may raise concerns about the improper public release of information, I will work closely with the OIG to prevent such disclosures and to protect EPA employees from any unfair or disrespectful treatment. The OIG is committed to honoring requests for confidentiality – to the extent the law permits – and to handling all EPA documents and information in an appropriate manner. Furthermore, the OIG will continue to respect the multiple demands that managers and staff face on a daily basis and, whenever possible, accommodate scheduling difficulties or other time constraints.

For audits and evaluations, the OIG adheres to standards established by the Comptroller General of the United States, which include many steps to assure transparency and opportunities for comment on draft findings. To ensure that reports, audits, evaluations or other reviews are

fairly prepared and presented, the OIG staff will endeavor to provide EPA management with significant opportunities for interaction. At any time during the course of an audit, evaluation or report, EPA management may request a meeting – and indeed should meet – with the OIG to discuss the audit, provide information to clarify management assertions and discuss the status and any questions. This interaction will help avoid misunderstandings, increase transparency and result in accurate and helpful ways for the agency to accomplish its mission.

For investigations of potential violations of the law, the OIG follows generally accepted protocols for questioning employees and gathering evidence.

I continue to expect all employees to report fraud, waste and abuse to the OIG. Employees should report the following types of conduct: theft of EPA funds, misuse of contract or grant funds, misuse of EPA equipment or assets for personal gain, falsification of EPA reports or records, serious employee misconduct or participation in EPA program fraud. Each employee taking the responsibility to report activity to the OIG that appears wasteful or illegal is one of the most important and successful means the OIG has for identifying and stopping wrongdoing. I encourage all EPA employees to report information to the OIG by contacting the OIG hotline at OIG_Hotline@epa.gov or toll free at 1-888-546-8740. You may always request anonymity.

EPA employees are not required to obtain permission from or inform managers before they speak with the OIG representative during audits, evaluations, investigations or other OIG reviews. Staff may, at their own discretion, contact their manager with any questions regarding their responsibility to cooperate with the OIG or their scheduling of meetings with the OIG unless, in the context of an investigation, they are requested not to do so by the OIG.

We have the opportunity to administer health and environmental protections that can benefit every person in the United States, strengthen our economy and conserve environmental resources for their best use for generations to come. Working together we can ensure that we uphold the public trust and public resources bestowed upon us all.



E. SCOTT PRUITT
ADMINISTRATOR

August 22, 2017

MEMORANDUM

SUBJECT: Office of Policy Reorganization

FROM: E. Scott Pruitt

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

Today I am taking several steps to strengthen the agency's attention to two areas – Environmental Justice and the National Environmental Policy Act – and to revitalize the agency's Office of Policy.

First, I am elevating the Office of Federal Activities into the Office of Policy, which is within the Office of the Administrator, from its current home in the Office of Enforcement and Compliance Assurance. Moving OFA, which leads the agency's NEPA reviews, to OP will ensure staff are able to quickly elevate issues to me for resolution and allow us to expedite environmental reviews and approvals of high-priority infrastructure projects, as directed by the President under Executive Order 13766. A small number of staff in OFA who control transboundary movement of hazardous waste under RCRA will move instead to the Office of Land and Emergency Management, where complementary work is being performed. I am also creating a Permitting Policy Division within OFA to lead our commitment to streamline the agency's permitting processes under the Presidential Memorandum signed January 24, 2017. This group will be housed here to build upon our successes in streamlining NEPA reviews.

Second, I am elevating the Office of Environmental Justice into OP from its current home in OECA. This move will strengthen and compliment the work already being done by the Office of Community Revitalization (formerly the Office of Sustainable Communities) within OP, and

provide better support to communities as they work to improve health, protect the environment and grow their economies. Bringing the collective resources and expertise of these organizations together will provide a more comprehensive understanding of community needs and health disparities. This will allow us to better coordinate across our own programs and with our federal partners to ensure efforts are aligned and community needs are fully reflected in our actions and investments. It will also enable us to partner more effectively with states, tribes and local governments to support their efforts to engage with, and answer the needs of, their most vulnerable communities. And finally, it will allow us to collaborate more successfully with business and industry, academia, civil society and other stakeholders that share an interest in building strong, healthy and prosperous communities.

Finally, I am approving some administrative changes within OP to improve the effectiveness of their operations. We will consolidate OP's administrative support to realize efficiencies and will re-direct some staff towards high-priority work.

I ask AO, OECA, OLEM and the Office of Administration and Resources Management to work together to take the necessary steps and put in place the documentation to reflect these organizational changes and to inform and involve our union partners as appropriate.

I appreciate your continued support of these important priority areas as we complete this effort.

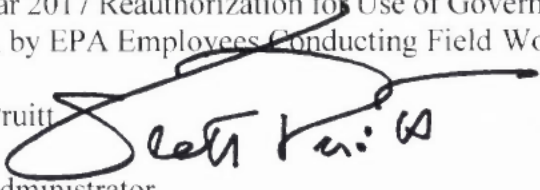


E. SCOTT PRUITT
ADMINISTRATOR

June 13, 2017

MEMORANDUM

SUBJECT: Fiscal Year 2017 Reauthorization for Use of Government Vehicles Between Home and Work by EPA Employees Conducting Field Work

FROM: E. Scott Pruitt 

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

I hereby authorize employees who meet the criteria identified in the attached "Scope and Limitations" to use government vehicles for travel between their residences and other locations while performing field work on behalf of the U.S. Environmental Protection Agency.

This authorization is effective for two years from the date of issuance unless otherwise revoked by the Administrator and is made in accordance with 32 U.S. Code § 1344(a)(2)(A) and 41 Code of Federal Regulations § 102-5.65. The attached "Field Work Vehicle Use Authorization Form" should be used to justify and document this vehicle.

Attachments



E. SCOTT PRUITT
ADMINISTRATOR

July 27, 2017

MEMORANDUM

SUBJECT: Policy on Elevation of Critical Environmental and Public Health Issues

FROM: E. Scott Pruitt

TO: All EPA Employees

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over the "TO:" line and extends into the right margin.

In carrying out our mission of protecting human health and the environment, I want to reaffirm the importance of elevating critical environmental and public health issues so that we can properly assess them and respond at appropriate policy and governmental levels in a timely and effective manner.

I have been leading the EPA to promote a healthier environment and strong economy for future generations by focusing on three core principles: rule of law, cooperative federalism and promoting public participation. The agency's role is to faithfully administer the laws Congress has passed, while working with states to address environmental issues with robust public participation. I am asking you to review issues through our statutory role and be eager to assist states, tribes and local governments when we see potential environmental vulnerability, including health risks, whether from air pollution, drinking water contamination, toxic chemicals, hazardous waste or other sources. We must approach our state, tribal and local government leaders as partners in problem solving and work closely with them to address human health and environmental risks.

The EPA issued the original elevation policy on January 21, 2016, following the drinking water crisis in Flint, Michigan. The people of Flint and all Americans deserve a responsive government, and it is important that as an agency we reflect on lessons learned and how we could have responded in a more coordinated manner. I urge all EPA employees to elevate concerns quickly and think creatively when a broader perspective would suggest that a larger public health or environmental issue is at stake.

Today, I am affirming the EPA's formal elevation policy. Leaders at the EPA should continue to encourage staff to elevate issues that have the following characteristics:

- There appears to be a substantial threat to the environment or human health; or



- The EPA is or can reasonably be expected to be a focus of the need for action; or
- Other authorities have a role in addressing the threat and may need federal assistance, including when those authorities appear to be unable to address or unsuccessful in effectively addressing such a threat; or
- Recourse to normal enforcement and compliance tools is not appropriate or unlikely to succeed in the near term; or
- High and sustained public attention and concern is possible.

When an issue is elevated at the regional level, it must be communicated to headquarters – both to my office and the national program offices – so that we can ensure that the agency’s response is proactive and coordinated. Following the previous elevation memo, program offices and regional offices have developed elevation policies. I have requested that the Executive Management Council develop a common elevation procedure based on best practices and experiences throughout the EPA.

It is our responsibility to ensure good communication at all levels in the agency – among our peers, across organizational lines and between the regions and headquarters. There may be instances that warrant elevation that do not fall specifically in the list provided above. Therefore, I expect you to use sound judgment in elevating issues and to do so in a way that enables us to engage the full decision-making resources of the agency.

Once again, it is my absolute privilege to serve with you. I am confident that in the years ahead we can continue to work together so that our future generations inherit a better and healthier environment.



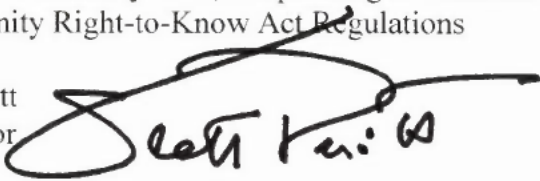
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 16 2017

MEMORANDUM

SUBJECT: Delegation of Authority 22-5, Responding to Petitions to Amend Emergency Planning and Community Right-to-Know Act Regulations

FROM: E. Scott Pruitt
Administrator 

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

22-5. Responding to Petitions to Amend EPCRA Regulations (1200 TN 496 22-5)

1. **AUTHORITY.** The functions and responsibilities associated with petitions under Sections 313 and 328 of the Emergency Planning and Community Right-to-Know Act and the Administrative Procedure Act. This includes the authority to receive the following petitions, to respond to the petitions, to publish an explanation of why any such petition is granted or denied, in whole or in part and, when appropriate, to conduct rulemaking to implement the response:
 - a. Petitions under EPCRA Section 313 (e) to modify the list of chemicals individually or categorically, including governor petitions under EPCRA Section 313 (e)(2);
 - b. Petitions under EPCRA Section 313 (f)(2) to establish a reporting threshold for a chemical that differs from the standard thresholds found in EPCRA Section 313 (f)(1); and
 - c. Petitions under EPCRA Section 328 and APA Section 553 (e) to amend U.S. Environmental Protection Agency's implementing regulations in Title 40 of the Code of Federal Regulations Part 372, including petitions to modify the list of facilities subject to reporting under EPCRA and other requirements imposed in 40 CFR Part 372.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.**
 - a. The response letter to petitions filed by a state governor under EPCRA Section 313(e)(2) that explains why their petition is denied, in whole or in part, must be signed by the Administrator.
 - b. For rulemakings conducted to implement a response to a petition under this delegation, this authority is limited to actions that have concurrences from the Office of the General Counsel and the Office of Policy, and, if applicable, offices outside of OCSPP that have chosen to

participate in the development of the action. If OCSPP is unable to resolve issues raised, signature authority will revert to the Administrator or the Deputy Administrator.

4. **REDELEGATION AUTHORITY.** For purposes of denying petitions, this authority may be redelegated to the office director level, or equivalent, and may not be redelegated further. However, denial of petitions filed by a state governor under EPCRA Section 313(e)(2) may not be redelegated. Responses other than denials may not be redelegated. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. EPCRA, Sections 313 and 328.
- b. APA, 5 U.S.C. 553(e).
- c. 40 CFR Part 372.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 16 2017

MEMORANDUM

SUBJECT: Delegation of Authority 22-9, Amending Emergency Planning and Community Right-to-Know Act Regulations

FROM: E. Scott Pruitt
Administrator

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over the printed name of the Administrator.

TO: Assistant Administrator
Office of Chemical Safety and Pollution Prevention

22-9. Amending EPCRA Regulations (1200 TN 655)

1. **AUTHORITY.** The functions and responsibilities associated with initiating rulemaking to amend the regulations issued under Section 328 of the Emergency Planning and Community Right-to-Know Act that are found in Title 40 of the Code of Federal Regulations Part 372. This includes issuance of the regulatory action, as well as the authority to issue non-regulatory actions that provide guidance and clarifications related to those regulatory requirements, the forms and instructions.
2. **TO WHOM DELEGATED.** The Assistant Administrator for Chemical Safety and Pollution Prevention.
3. **LIMITATIONS.** This authority is limited to actions that have concurrences from the Office of the General Counsel and the Office of Policy, and, if applicable, offices outside of OCSPP that have chosen to participate in the development of the action. If OCSPP is unable to resolve issues raised, signature authority will revert to the Administrator or the Deputy Administrator.
4. **REDELEGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. EPCRA, Sections 313 and 328.
 - b. 40 CFR Part 372.

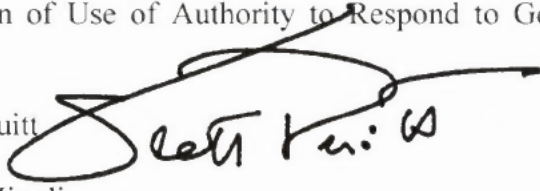


E. SCOTT PRUITT
ADMINISTRATOR

June 30, 2017

MEMORANDUM

SUBJECT: Notification of Use of Authority to Respond to Gold King Mine Federal Tort Claims

FROM: E. Scott Pruitt 

TO: Kevin S. Minoli
Acting General Counsel

By this memorandum, I am notifying you that I am hereby invoking the authorities vested in the Administrator by the Federal Tort Claims Act, at 28 U.S.C. §§ 2671-2680, with respect to all administrative claims filed with the U.S. Environmental Protection Agency in connection with the August 5, 2015, Gold King Mine release in Colorado.

As explained in Chapter 1, section 4(d) and (e) of the Delegations Manual, redelegated authority may be exercised by anyone in the chain of delegation. Therefore, I am using this memo to clarify that I will exercise the FTCA authorities delegated to the General Counsel in EPA Delegation 1-25 (and his further delegees), including serving as the Claims Officer, by fully effectuating the procedures and requirements of the FTCA and the EPA's implementing regulations at 40 C.F.R. Part 10 with respect to past, pending and future Gold King Mine-related tort claims.



E. SCOTT PRUITT
ADMINISTRATOR

July 25, 2017

MEMORANDUM

SUBJECT: Receipt of Superfund Task Force Report and Next Steps for Revitalizing the Superfund Program

FROM: E. Scott Pruitt

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

When I established a task force to provide recommendations on revitalizing the Superfund program, I did so because the Superfund program is a cornerstone of the work that the EPA performs for citizens and communities across our country. My goal as Administrator is to restore the Superfund program to its rightful place at the center of the agency's core mission. The task force has conducted its work over the course of the past few weeks with this goal in mind.

The task force was comprised of dozens of committed agency professionals who sought to bring fresh ideas and clear direction to this vital program. These individuals included leaders from the Office of Land and Emergency Management, the Office of Enforcement and Compliance Assurance, the Office of General Counsel, EPA Region 3 (the Lead Region for the Superfund program) and other relevant offices across the agency. More than one hundred people contributed to the task force's efforts. I commend them for their hard work and profound dedication to this effort.

The task force considered nearly every aspect of the Superfund program, from site identification to remedy selection and implementation and subsequent reuse. In accordance with my direction, the task force focused its efforts on five overarching goals: expediting cleanup and remediation, reinvigorating cleanup and reuse efforts by potentially responsible parties,

encouraging private investment to facilitate cleanup and reuse, promoting redevelopment and community revitalization and engaging with partners and stakeholders.

The task force's report abounds with new ideas and dynamic thinking. It includes a number of strategies designed to accomplish these five goals and 42 separate recommendations to execute these strategies. I have directed the chair of the task force to continue work and implement the recommendations in the task force's report by working directly with you and others in the agency. Some of the task force's recommendations will require future administrative actions, such as rulemakings or the issuance of guidance, by the agency for them to come to fruition. I will look to you to help turn these recommendations into reality. As a part of implementing these recommendations, I have directed that we work closely with our partners across the federal government and with states, tribes, local communities and other stakeholders. Communities across the country are counting on each of us to get this done right and as expeditiously as possible, and we will.

The task force's report also includes a number of recommendations and proposed improvements that, in my judgment, should be implemented right away, consistent with current authority and guidance. These recommendations which I am directing you to implement without delay will build on the steps that I have taken thus far to improve and revitalize the Superfund program to ensure that contaminated sites across the country are remediated to protect human health and the environment and returned to beneficial use as expeditiously as possible. It is with this renewed focus in mind that I direct you to take the following 11 specific actions expeditiously:

- Prioritize and take action to expeditiously effectuate control over any site where the risk of human exposure is not fully controlled. Within 60 days, regions should prepare a report to the chair of the task force that identifies these sites and describes when such risks are expected to be controlled.
- Utilize early or interim response actions, including removal authority or interim remedies, more frequently as appropriate to address immediate risks, prevent source migration and return portions of sites to reuse while more-detailed evaluations of other portions of sites are ongoing. We should not allow for years of study to delay addressing immediate risks.
- Prioritize development of Remedial Investigations and Feasibility Studies for those sites and projects that require more immediate action to focus the use of available funds and resources.
- Identify potential pilot contaminated sediment or complex groundwater sites where Adaptive Management strategies can be implemented.
- Regions should begin compiling existing information on the cleanup status and reuse potential (as applicable) of each National Priorities List site in their region for submission to the task force.
- Track remedy implementation and completion progress in real time with the Superfund Enterprise Management System or with another mechanism, if more efficient.

- Focus training, tools and resources on current National Priorities List sites with the most reuse potential.
- Work with Potentially Responsible Parties, state, tribal and local governments and real estate professionals to identify opportunities for PRP-lead cleanups to consider future reuse in cleanups.
- Each region shall submit to the task force chair within 60 days the total of their indirect costs charged to the PRPs for FY16 and FY17 to date, as well as the formula by which that is derived.
- Encourage PRPs to work with end-users to voluntarily perform assessment and additional cleanup or enhancement work to achieve reuse objectives and to fund or perform enhanced cleanup or "betterment" by voluntarily entering into agreements with end-users.
- Use purchase agreements for potential Bona Fide Prospective Purchasers outlining their actions necessary to preserve their BFPP status.
- Use enforcement authorities, including unilateral orders to recalcitrant PRPs, more actively in order to discourage protracted negotiations over response actions.
- Maximize deletions and partial deletions of sites that meet CERCLA and National Contingency Plan requirements. Within 60 days, regions should formulate a list of NPL sites expected to be proposed for deletion or deleted within 12 months of today's date and submit the list to the chair of the task force.

More-detailed directives or guidance will follow in the weeks and months ahead on some of these items; however, I direct you to begin implementation of these strategies within your areas of responsibility immediately based on your best professional judgment. I look forward to working with the task force, agency staff at headquarters and in the regions and our partners across the federal government, states, tribes, local communities and other stakeholders to develop and implement the other recommendations in the task force report. Work to prioritize and reinvigorate this program by the task force and the agency has just begun. This shared effort will result in a Superfund program that fulfills this agency's promise to the American people: remediating and revitalizing the most-contaminated sites in our nation and returning them to the communities in which they are located for beneficial use.



E. SCOTT PRUITT
ADMINISTRATOR

October 11, 2017

MEMORANDUM

SUBJECT: Reaffirmation of the U.S. Environmental Protection Agency's Indian Policy

FROM: E. Scott Pruitt

TO: All EPA Employees

Two handwritten signatures are present. The first is a large, stylized signature in blue ink that reads "Scott Pruitt". The second is a smaller signature in black ink to the right, which appears to be "E. A. L. Jr.".

The U.S. Environmental Protection Agency has long recognized the importance of partnering with tribal governments in fulfilling the EPA's core mission. In fact, this agency was the first federal agency to adopt a formal Indian Policy, which memorialized the principles that would guide this agency in its tribal relationships. Today, I am proud to formally reaffirm that policy.

Unlike other partnerships, the United States has a unique legal relationship with tribal governments based on the Constitution, treaties, statutes, executive orders and court decisions. Through that authority, the EPA recognizes the right of the tribes to self-determination and acknowledges the federal government's trust responsibility to tribes. The EPA works with tribes on a government-to-government basis to protect the land, air and water in Indian Country.

This policy provides the foundation for the agency's tribal interactions and relationships with federally recognized tribes. It is also a framework that continues to inform the EPA's ongoing work with tribal governments and aligns with the cooperative federalism model to support protection of human health and the environment. Many significant milestones and success in the EPA-tribal environmental partnership can be directly traced to the EPA Indian Policy and the EPA-staff commitment to the EPA Indian Policy.

Today's reaffirmation of the Indian Policy highlights the importance of our relationship with tribal governments. Our work in Indian Country is crosscutting and affects all aspects of the EPA's day-to-day functions. It is only through continued partnership with tribes that we can truly achieve a cleaner, healthier and more prosperous America today and for future generations.

It is an important time in our partnership with tribes as the EPA builds on past successes and strives to meet current and future environmental challenges in and surrounding Indian

Country. I look forward to your assistance in advancing our strong partnership with tribal governments to protect human health and to safeguard our shared environment.

Attachment




E. SCOTT PRUITT
ADMINISTRATOR

September 7, 2017

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt 

TO: Ryan T. Jackson, Chief of Staff
Office of the Administrator

I am delegating to you, in your capacity as Chief of Staff, the authority to sign all documents requiring my signature and to approve use of the autopen or other authorized means (e.g. computer graphic) to affix my signature to documents.

cc: Michael P. Flynn
Ryan T. Jackson
Troy M. Lyons
Reginald E. Allen
Robin H. Richardson
Brian T. Hope






E. SCOTT PRUITT
ADMINISTRATOR

September 7, 2017

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt 

TO: Byron Brown, Deputy Chief of Staff for Policy
Office of the Administrator

I am delegating to you, in your capacity as Deputy Chief of Staff for Policy, the authority to sign all documents requiring my signature and to approve use of the autopen or other authorized means (e.g. computer graphic) to affix my signature to documents.

cc: Michael P. Flynn
Ryan T. Jackson
Reginald E. Allen
Brian T. Hope




E. SCOTT PRUITT
ADMINISTRATOR

September 7, 2017

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt 

TO: Samantha K. Dravis, Associate Administrator
Office of Policy

I am delegating to you, in your capacity as Senior Counsel and Associate Administrator for Policy, the authority to sign all documents related to regulatory matters requiring my signature and to approve use of the autopen or other authorized means (e.g. computer graphic) to affix my signature to documents.

cc: Michael P. Flynn
Ryan T. Jackson
Reginald E. Allen
Brian T. Hope






E. SCOTT PRUITT
ADMINISTRATOR

September 7, 2017

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt 

TO: Brian T. Hope, Deputy Director
Office of the Executive Secretariat

I am delegating to you, in your capacity as Deputy Director of the Office of the Executive Secretariat the authority to approve use of the autopen or other authorized means (e.g. computer graphic) to affix my signature to acknowledgment cards and letters; copies of official photographs; standard congratulatory letters for Boy Scouts and Girl Scouts; standard employee service anniversary recognition letters; credentials issued for agents, investigators and other officials; standard retirement letters and certificates; and any other standard letters as approved by me or my designee.

I retain the right to exercise or withdraw the authority conveyed by this delegation.

cc: Michael P. Flynn
Ryan T. Jackson
Reginald E. Allen




E. SCOTT PRUITT
ADMINISTRATOR

September 7, 2017

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt 

TO: Troy M. Lyons, Associate Administrator
Office of Congressional and Intergovernmental Relations

I am delegating to you, in your capacity as Associate Administrator for the Office of Congressional and Intergovernmental Relations, the authority to approve use of the autopen or other authorized means (e.g. computer graphic) to affix my signature to letters to sitting members of Congress and sitting state governors.

cc: Michael P. Flynn
Ryan T. Jackson
Reginald E. Allen
Robin H. Richardson
Brian T. Hope





E. SCOTT PRUITT
ADMINISTRATOR

September 19, 2017

MEMORANDUM

SUBJECT: Delegation of Authority 1-129, Investigations and Reports Regarding the Office of Special Counsel

FROM: E. Scott Pruitt

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over the "FROM:" line and extends into the "TO:" line.

TO: Deputy Administrator
Assistant Administrator, Office of Administration and Resources Management
Chief of Staff
Principal Deputy Assistant Administrator, Office of Administration and Resources Management

1-129. Investigations and Reports Regarding the Office of Special Counsel. (1200 1-129 TN 659)

1. AUTHORITY.

- a. To appoint agency investigators to conduct investigations with respect to information and any related matters submitted by the Special Counsel to the agency under 5 U.S.C. § 1213 relating to disclosures of violations of any law, rule or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, and to review and sign agency reports of such investigations.
- b. To review and respond to reports submitted by the Special Counsel to the agency under 5 U.S.C. § 1214(b) and (d).

2. TO WHOM DELEGATED.

The deputy administrator, the chief of staff and the Office of Administration and Resources Management assistant administrator and the principal deputy assistant administrator.

3. LIMITATIONS.

- a. The authority in section 1, above, may not be exercised by the AA or PDAA, OARM, if the information and any related matters (section 1.a) or reports (section 1.b) submitted by the Special Counsel pertain to OARM.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES. None.




E. SCOTT PRUITT
ADMINISTRATOR

September 25, 2017

MEMORANDUM

SUBJECT: Delegation of Authority

FROM: E. Scott Pruitt 

TO: Elizabeth Beacham White, Director
Office of the Executive Secretariat

I am delegating to you, in your capacity as Director of the Office of the Executive Secretariat, the authority to approve use of the autopen or other authorized means (e.g. computer graphic) to affix my signature to all documents.

cc: Michael P. Flynn
Ryan T. Jackson
Reginald E. Allen
Brian T. Hope

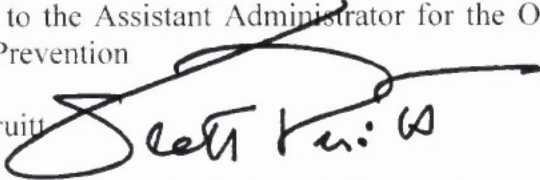


E. SCOTT PRUITT
ADMINISTRATOR

February 15, 2018

MEMORANDUM

SUBJECT: Temporary Delegation of Authority for the Deputy Assistant Administrators for the Office of Chemical Safety and Pollution Prevention to Perform All Duties Delegated to the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention

FROM: E. Scott Pruitt 

TO: Charlotte Bertrand, Acting Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention

I hereby grant temporary authority to the acting principal deputy assistant administrator and the political deputy assistant administrator for the Office of Chemical Safety and Pollution Prevention to take necessary action in performance of all functions and duties delegated to the OCSPP assistant administrator as enumerated in the U.S. Environmental Protection Agency Delegations Manual.

Temporary Delegation of Authority for the Office of Chemical Safety and Pollution Prevention Deputy Assistant Administrators to Perform All Duties Delegated to the OCSPP Assistant Administrator

1. **AUTHORITY.** To take necessary action in performing all functions and duties previously delegated to the OCSPP AA as enumerated in the EPA Delegations Manual.
2. **TO WHOM DELEGATED.** Acting principal deputy assistant administrator and political deputy assistant administrator for the OCSPP.
3. **LIMITATIONS.** This temporary delegation of authority will remain in effect until the Senate confirms a presidentially appointed nominee for OCSPP AA or the President makes a recess appointment to fill the vacant position. It does not supersede or alter any previous redelegations of authority made by an OCSPP AA. The Administrator retains the authority to revoke or limit this grant of temporary authority at any time and in general or with regard to a particular matter.



4. REDELEGATION AUTHORITY. The acting principal deputy and political deputy OCSPP AA(s) may redelegate authority consistent with the agency's delegations, orders and manuals. An official who delegates or redelegates authority is not divested of the power to exercise that authority, and the authority can be exercised by management officials within the chain of command to the lowest level of the delegated authority. An official who delegates or redelegates authority may revoke such redelegation at any time.

5. REFERENCES. EPA delegations, as applicable.

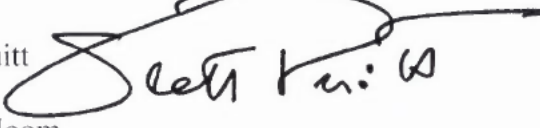


E. SCOTT PRUITT
ADMINISTRATOR

February 5, 2018

MEMORANDUM

SUBJECT: Revised Delegation of Authority No. 116 Relating to the Issuance of Agency-wide Financial Policies and Procedures

FROM: E. Scott Pruitt 

TO: David A. Bloom
Deputy Chief Financial Officer

I hereby delegate the following authorities to the U.S. Environmental Protection Agency's Chief Financial Officer and approve the following revisions to delegation.

1. AUTHORITY. To serve as the EPA's Chief Financial Officer in accordance with the Chief Financial Officers Act of 1990 and oversee all financial management and integrity activities relating to the programs and operations of the agency and manage the agency's Financial System in accordance with the Budget and Accounting Act of 1950 and other applicable laws and regulations. The authorities of the position include:

- a. To establish and maintain an agency-wide integrated accounting and financial management system;
- b. To provide general accounting and fiscal services, and to establish, review and enforce, throughout the agency, internal control policies, standards and compliance guidelines involving financial management and financial-management systems, including authority to require and ensure timely corrective actions regarding material weaknesses as required by the *Federal Managers' Financial Integrity Act*; and to exercise audit resolution and follow-up authorities as the agency's audit follow-up official.
- c. To establish, in coordination with program managers, agency-wide control (including internal control processes) and to advise the Administrator on the contents, accuracy and completeness of the annual FMFIA report;
- d. To issue agency-wide financial policies and procedures, or other appropriate instructions;



- e. To maintain liaison with:
 - i. the General Accounting Office to review and officially respond to recommendations;
 - ii. the Office of Management and Budget and the Department of Treasury on issues related to financial management, accounting policy and operating accounting systems;
- f. To assure effective fiscal control over the accountability for all funds, property and other assets for which the agency is responsible;
- g. To receive and deposit funds;
- h. To have access to all records, reports, audits, reviews, documents, papers, recommendations or other material which relate to programs and operations with respect to CFO responsibilities (except Inspector General materials not otherwise accessible under law);
- i. To prepare and submit an annual report consisting of a description and analysis of the status of financial management of the agency, annual financial statements and accompanying audit report, a summary of the reports on internal accounting and administrative control systems, and other appropriate information concerning financial management of the agency, to the Administrator and director, OMB;
- j. To provide for the systematic measurement of performance within the agency's financial management systems;
- k. To prepare and submit to the Administrator timely performance reports;
- l. To provide for the preparation and annual revision of the agency's five-year financial management plans;
- m. To review, on a biennial basis, fees and charges imposed by the agency for services and things of value it provides and make recommendations to the Administrator on revising those charges to reflect costs incurred in providing those services or things of value. As appropriate, prepare and submit requests for exception and/or extension to the Office of Management and Budget in accordance with OMB Circular A-25;
- n. To approve the design of, and evaluate the installation and operation of, agency information systems that provide financial and/or program performance data to agency financial management systems;
- o. To ensure timely and accurate information on contract disbursements in relation to projected costs and actual commitments;
- p. To approve planning, budget formulation and legislation affecting financial management (FTE, salaries and expenses, systems and other equipment) agency-wide;

- q. To monitor and approve the structure of budget execution, including agency requests for apportionment and agency allotments;
- r. To review all major legislative and other programmatic proposals in order to provide advice to the Administrator on federal cost and program benefit estimates;
- s. To produce reliable accounting results and information needed to support agency budget requests and to provide financial information required by the Congress, OMB and the Department of Treasury; this authority specifically includes certification of year-end accounting reports;
- t. With respect to agency financial reporting:
 - i. To mandate agency-wide data and reporting format requirements;
 - ii. To review and approve agency financial reports and statements prepared by agency components for transmittal to the Administrator, OMB, the President, the Congress or external groups;
 - iii. To prepare agency financial statements and work with the IG and other auditors to improve the statements' audit ability;
 - iv. To develop, in coordination with program managers, financial and programmatic performance indicators for inclusion in the financial system and financial reports and statements;
 - v. To ensure that data included in financial reporting (including program performance measures) are auditable;
 - vi. To advise and provide direction to agency program managers on financial management matters; and
 - vii. To periodically provide feedback for each senior resource official on program financial management performance against established organizational performance measures;
- u. To exercise human resource authorities identified in the *Chief Financial Officers Act of 1990* and OMB implementing guidance. Specifically:
 - i. To approve job descriptions and skill requirements for SROs as they relate to specific CFO functions. CFO functions include, but are not limited to, FMFIA implementation, budget planning and execution, systems ensuring the accuracy of financial data, accounting operations, financial management of grants, contracts, accounts receivable, property management and audit resolution.
 - ii. To make recommendations to the Administrator on the selection of the agency deputy

chief financial officer and to concur on recommendations forwarded to the Deputy Administrator by regional administrators and senior agency managers for selections of SROs based upon established knowledge, skills and abilities necessary to execute CFO-related responsibilities of the position;

iii. To participate in the annual performance evaluations of SROs. The CFO will provide input to rating officials (regional administrators and senior agency managers) for their use in SRO evaluations, based on an assessment of the CFO- related functions within their respective organizations and established organizational financial management performance standards. The CFO will not directly comment on or sign off on the individual performance appraisals;

iv. Provide agency-wide policy advice on the qualifications, recruitment, performance, training and retention of financial management personnel to ensure a cadre of qualified financial management professionals throughout the agency;

v. To designate certifying officers for payments and agency officials to receive Treasury checks and bonds;

vi. To determine when debts due the agency by employees which arise from erroneous payments will be recovered through involuntary installment deductions from the employee's salary in accordance with 5 U.S.C. 5514 and 5584, and 40 C.F.R. Part 13, subpart C, and any other authorities authorized under this provision (see paragraphs 3, LIMITATIONS, and 4, REDELEGATION AUTHORITY);

vii. To waive liability to the United States, in whole or in part, for money paid an employee as advance payment of pay, allowances or differentials under authority of 5 U.S.C. 5522;

viii. To determine when recovery will not be made of travel and transportation expenses and other relocation allowances from former employees who are unable to complete their contractual obligation to the agency to continue government service for at least 12 months because of reasons beyond their control pursuant to 5 U.S.C.5724(i);

ix. To designate imprest fund cashiers;

x. To approve permanent exceptions or waiver requests to exceed the routine per-transaction spending limitation of \$500 for payments made from the imprest fund;

xi. To approve emergency, one-time exceptions for a single transaction payment made from the imprest fund in excess of \$500 not to exceed \$750;

xii. To authorize waivers to permit imprest funds to be placed in depository accounts for demand cash withdrawal purposes only;

xiii. To authorize partial/emergency salary payments;

xiv. To receive requests and arrange for hearings related to debts owed by employees to the United States; and

xv. To waive the requirement to pay by electronic funds transfer for an individual recipient of federal wage, salary or retirement payments upon written request by the recipient.

2. TO WHOM DELEGATED. Delegated to the Chief Financial Officer.

3. LIMITATIONS.

a. The agency claims officer in the Office of General Counsel must be consulted on determinations to recover debts through involuntary installment deductions from the employee's salary which arise from erroneous payments (subparagraph 1.u), if the employee disputes either the entire determination or the amount owed to the agency.

b. None of these delegations should be interpreted to infringe on the Inspector General's independence or authority to conduct, supervise and coordinate audits and investigations relating to the agency's programs.

4. REDELEGATION AUTHORITY.

a. The authority in subparagraph 1.a is redelegated through the deputy CFO to the Controller, and may be delegated to the director level and may be further delegated to the branch chief level.

b. The authorities in subparagraphs 1.b, 1.f, 1.g, and 1.o are redelegated through the deputy CFO:

i. to the Controller and may be redelegated for organizational components within the office's areas of responsibility and may be redelegated to the branch chief level;

ii. to the regional administrators and may be redelegated through the assistant regional administrators (who are also the regional SROs) to the regional comptrollers or financial management officers; and

iii. to the headquarters SROs and may not be redelegated further.

c. The authority in subparagraph 1.c is redelegated through the deputy CFO to the director, Planning, Analysis and Accountability, and may be redelegated to the director, Accountability Staff, and may be further redelegated to the branch chief level or equivalent.

d. The authorities in subparagraphs 1.d, and 1.e are redelegated through the deputy CFO to the Controller, but may not be redelegated further.

e. The authorities in subparagraph 1.e.i are redelegated through the deputy CFO to the Controller.

f. The authorities in subparagraph 1.l, 1.t.vi, 1.u.iv, 1.u.v, and 1.u.vi are redelegated through the deputy CFO:

- i. to the Controller and may be redelegated to the branch chief level but may not be redelegated further; and
- ii. to the regional administrators and the assistant regional administrators (who are also the regional SROs) and may be redelegated to the regional comptrollers or FMOs and may not be redelegated further.

g. The authorities in subparagraphs 1.j, 1.t.iii, 1.t.v, 1.x and 1.y are redelegated through the deputy CFO to the Controller, but may not be redelegated further.

h. The authorities in subparagraphs 1.m, 1.p, 1.q, 1.r and 1.t.iv are redelegated through the deputy CFO to the Controller and may be redelegated to the director, Annual Planning and Budget Division, and may be redelegated to the branch chief level or equivalent.

i. The authority in subparagraph 1.s. is redelegated through the deputy CFO to the Controller and may not be redelegated further.

j. The authority in subparagraph 1.z is redelegated through the deputy CFO:

- i. through the Controller to the branch chief level; or equivalent; and
- ii. through the regional administrators and assistant regional administrators (who are also the regional SROs) to the regional comptrollers or FMOs and may not be redelegated further.

k. The authority in subparagraph 1.c is redelegated through the deputy CFO to the Controller and may be redelegated through the regional administrators and the assistant regional administrators (who are also the regional SROs) to the regional comptrollers or FMOs and may not be redelegated further.

l. Authorities in subparagraphs 1.h, 1.i, 1.k, 1.n, 1.t.i, 1.t.ii, 1.t.vii, 1.u.i, 1.u.ii, and 1.u.iii may not be redelegated further.

m. The authority in subparagraph 1.f. is redelegated through the deputy CFO to the Controller and may not be redelegated further.

n. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES. The Chief Financial Officers Act of 1990 (P.L. 101- 576) created the position of CFO in 23 major departments and agencies, including the EPA. The CFO

is the agency's chief financial management policy officer and serves as the chief financial management advisor to the Administrator. The agency's CFO is appointed by the President with the advice and consent of the Senate. The Administrator selects the deputy CFO. In the absence of the CFO, the deputy CFO serves as the CFO on all matters addressed in this delegation. Delegation 1-16 was revised incorporating the provisions of the December 2, 2013, amendment relating to charging Biennial User Fees in Accordance with OMB Circular A-25.



E. SCOTT PRUITT
ADMINISTRATOR

December 20, 2017

MEMORANDUM

SUBJECT: One-time Delegation of Authority to Perform all Functions and Responsibilities Relating to the EPA's Review of the State of Oklahoma's Application for Approval of a Coal Combustion Residuals Permit Program under Section 4005(d) of the Solid Waste Disposal Act

FROM: E. Scott Pruitt

TO: Barry Breen
Principal Deputy Assistant Administrator
Office of Land and Emergency Management

I hereby delegate to the principal deputy assistant administrator for the U.S. Environmental Protection Agency's Office of Land and Emergency Management the authority to perform all functions and responsibilities relative to the review, approval and disapproval, in whole or in part, of the State of Oklahoma's Application for Approval of a Coal Combustion Residuals Permit Program, pursuant to section 4005(d) of the Solid Waste Disposal Act (42 U.S.C 6945(d)).

1. **AUTHORITY.** To perform all functions and responsibilities relative to the review, approval and disapproval, in whole or in part, of the State of Oklahoma's Application for Approval of a CCR Permit Program, pursuant to section 4005(d) of the Solid Waste Disposal Act, 42 U.S.C. 6945(d). This includes, but is not limited to:
 - a. Issuing a *Federal Register* notice to solicit public comment on whether the state program meets the criteria for approval pursuant to 42 U.S.C. 6945(d)(1)(B); and
 - b. Consulting with the state to determine whether alternate state criteria are at least as protective as the federal regulations pursuant to 42 U.S.C. 6945(d)(1)(B)(ii).
2. **TO WHOM DELEGATED.** Through the assistant administrator to the principal deputy assistant administrator for the Office of Land and Emergency Management.
3. **LIMITATIONS.** This delegation is limited to the purposes stated above, and the principal deputy assistant administrator for the Office of Land and Emergency Management must obtain the concurrence of the Office of General Counsel before

approving or disapproving the state of Oklahoma's CCR permit program under section 4005(d)(1) of the SWDA.

4. **REDELGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.** WIIN Act, section 2301, subtitle C – Control of Coal Combustion Residuals.

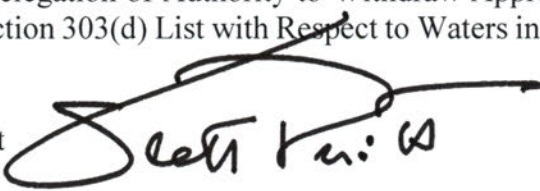


E. SCOTT PRUITT
ADMINISTRATOR

January 11, 2018

MEMORANDUM

SUBJECT: Temporary Delegation of Authority to Withdraw Approval of Ohio's 2016 *Clean Water Act* Section 303(d) List with Respect to Waters in the Western Basin of Lake Erie

FROM: E. Scott Pruitt 

TO: David P. Ross, Assistant Administrator
Office of Water

I hereby delegate to the Assistant Administrator for the Office of Water the authority to withdraw the U.S. Environmental Protection Agency's May 19, 2017, approval of Ohio's 2016 *Clean Water Act* section 303(d) list with respect to waters in the western basin of Lake Erie.

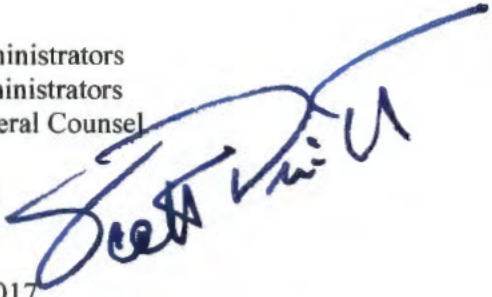
1. **AUTHORITY.** To withdraw, pursuant to section 303(d) of the *Clean Water Act* and the EPA's inherent authority to reconsider prior decisions, the EPA's May 19, 2017, approval of Ohio's 2016 *Clean Water Act* section 303(d) list with respect to waters in the western basin of Lake Erie.
2. **TO WHOM DELEGATED.** The Assistant Administrator for the Office of Water.
3. **LIMITATIONS.** This delegation is limited to the purposes stated above and may be exercised only within the limitations of the *Clean Water Act* and the EPA's inherent authority to reconsider prior decisions.
4. **REDELGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.** None.





E. SCOTT PRUITT
ADMINISTRATOR

TO: Assistant Administrators
Regional Administrators
Office of General Counsel

FROM: E. Scott Pruitt
Administrator 

DATE: October 16, 2017

SUBJECT: Adhering to the Fundamental Principles of Due Process, Rule of Law, and Cooperative Federalism in Consent Decrees and Settlement Agreements

In the past, the U.S. Environmental Protection Agency has sought to resolve litigation through consent decrees and settlement agreements that appear to be the result of collusion with outside groups.¹ Behind closed doors, EPA and the outside groups agreed that EPA would take an action with a certain end in mind, relinquishing some of its discretion over the Agency's priorities and duties and handing them over to special interests and the courts.² When negotiating these agreements, EPA excluded intervenors, interested stakeholders, and affected states from those discussions. Some of these agreements even reduced Congress's ability to influence policy.³ The days of this regulation through litigation are terminated.

"Sue and settle," as this tactic has been called, undermines the fundamental principles of government that I outlined on my first day: (1) the importance of process, (2) adherence to the rule of law, and (3) the applicability of cooperative federalism. The process by which EPA adopts regulations sends an important message to the public: EPA values the comments that it receives from the public and strives to make informed decisions on regulations that impact the lives and livelihoods of the American people. The rule of law requires EPA to act only within the confines of the statutory authority that Congress has conferred to the Agency, and thereby avoid the uncertainty of litigation and ultimately achieve better outcomes.

¹ When litigants enter into a consent decree, they agree to resolve the litigation through a judicially enforceable court order; if one party fails to abide by the terms of a consent decree, that party risks being held in contempt of court. A settlement agreement generally resolves legal disputes without a court order; if one party fails to abide by the terms of a settlement agreement, the aggrieved party must petition a court for a judicial remedy.

² These outside groups often file lawsuits in federal district courts that the litigants believe will give them the best chance of prevailing – not necessarily in the forum where the agency action at issue is most applicable – and ask the court to enjoin the agency action on a nationwide basis. Nationwide injunctions, in general, raise serious concerns about the validity and propriety of these district court actions.

³ The sue-and-settle phenomenon results in part from statutes that empower these outside groups to file a lawsuit against a federal agency when that agency fails to meet a statutory deadline and then reward these individuals by allowing them to recover attorney's fees for "successful" lawsuits.





E. SCOTT PRUITT
ADMINISTRATOR

Finally, EPA must honor the vital role of the states in protecting the public health and welfare under the principle of cooperative federalism as prescribed by the Constitution and statutory mandate.

* * *

This memorandum explains the sue-and-settle directive that I established within the Agency and also describes how the past practice of regulation through litigation has harmed the American public.

Regulation Through Litigation Violates Due Process, the Rule of Law, and Cooperative Federalism

When an agency promulgates a new regulation or issues a decision, the agency should take that action consistent with the processes and substantive authority that the law permits. An agency, therefore, should ordinarily zealously defend its action when facing a lawsuit challenging that action. If an agency agrees to resolve that litigation through a consent decree or settlement agreement, however, questions will necessarily arise about the propriety of the government's determination not to defend the underlying regulation or decision. Indeed, sue and settle has been adopted to resolve lawsuits through consent decrees in a way that bound the agency to judicially enforceable actions and timelines that curtailed careful agency consideration. This violates due process, the rule of law, and cooperative federalism.

A. The Importance of Process

EPA risks bypassing the transparency and due process safeguards enshrined in the Administrative Procedure Act⁴ and other statutes⁵ when it uses a consent decree or a settlement agreement to bind the Agency to proceed with a rulemaking with a certain end in mind on a schedule negotiated with the litigants. Congress enacted the Administrative Procedure Act to provide the American public with notice of a potential agency action, to encourage public participation in the rulemaking process, and to afford federal agencies with the framework to perform careful consideration of all the associated issues before taking final agency action. Following the legal processes for agency action provides predictability for all stakeholders, ensures that the agency will receive input from all interested parties, and increases the defensibility of an action when facing a procedural challenge.

⁴ Pursuant to the Administrative Procedure Act, an agency must publish a general notice of proposed rulemaking in the Federal Register and include the following information: "(1) a statement of the time, place, and nature of public rulemaking proceedings; (2) reference to the legal authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved." 5 U.S.C. § 553(b). Additionally, the agency "shall give interested persons an opportunity to participate in the rulemaking through a submission of written data, views, or arguments with or without opportunity for oral presentation." *Id.* § 553(c).

⁵ The statutes include the Paperwork Reduction Act (44 U.S.C. § 3506), the Regulatory Flexibility Act (5 U.S.C. § 603), and the Unfunded Mandates Reform Act (2 U.S.C. § 1535).



E. SCOTT PRUITT
ADMINISTRATOR

A sue-and-settle agreement, however, undermines these safeguards. Using this tactic, the agency and the party that filed the legal challenge agree in principle on the terms of a consent decree or settlement before the public has the opportunity to review the terms of the agreement.⁶ An agency can also use consent decrees and settlement agreements as an end-run around certain procedural protections of the rulemaking process. Even when an agency attempts to comply with these procedural safeguards, the agency typically agrees to an expedited rulemaking process that can inhibit meaningful public participation. This rushed rulemaking process can lead to technical errors by the agency, insufficient time for stakeholders to submit rigorous studies that assess the proposal, the inability of the agency to provide meaningful consideration of all the evidence submitted to the agency, a lack of time for the agency to reconsider its initial proposal and issue a revised version, and the failure to take into account the full range of potential issues related to the proposed rule.

Sue and settle, therefore, interferes with the rights of the American people to provide their views on proposed regulatory decisions and have the agency thoughtfully consider those views before making a final decision. By using sue and settle to avoid the normal rulemaking processes and protections, an agency empowers special-interests at the expense of the public and parties that could have used their powers of persuasion to convince the agency to take an alternative action that could better serve the American people.⁷

B. Adherence to the Rule of Law

As an agency in the executive branch of the United States, EPA must faithfully administer the laws of the land and take actions that are tethered to the governing statutes. The authority that Congress has granted to EPA is our *only* authority. EPA must respect the rule of law. The Agency must strive to meet the directives and deadlines that Congress set forth in our governing environmental statutes. But we must not

⁶ In certain circumstances, the Agency must permit the public to comment on the proposed settlement. *See, e.g.*, Clean Air Act Section 113(g), 42 U.S.C. § 7413(g) (requiring that “[a]t least 30 days before a consent decree or settlement agreement of any kind under [the Clean Air Act] to which the United States is a party (other than enforcement actions) . . . is final or filed with a court, the Administrator shall provide a reasonable opportunity by notice in the *Federal Register* to persons who are not named as parties or intervenors to the action or matter to comment in writing”). While the Agency has made changes to proposed consent decrees in response to comments receiving during this process, the Agency understands that numerous stakeholders lack faith in the effectiveness of this comment opportunity because the Agency and the settling litigants have already agreed in principle to the proposed settlement.

⁷ “The greatest evil of government by consent decree . . . comes from its potential to freeze the regulatory processes of representative democracy. At best, even with the most principled and fair-minded courts, the device adds friction. . . . As a policy device, then, government by consent decree serves no necessary end. It opens the door to unforeseeable mischief; it degrades the institutions of representative democracy and augments the power of special interest groups. It does all of this in a society that hardly needs new devices that emasculate representative democracy and strengthen the power of special interests.” *Citizens for a Better Env’t v. Gorsuch*, 718 F.2d 1117, 1136-37 (D.C. Cir. 1983) (Wilkey, J., dissenting).



E. SCOTT PRUITT
ADMINISTRATOR

surrender the powers that we receive from Congress to another branch of government – lest we risk upsetting the balance of powers that our founders enshrined in the Constitution.⁸ Sue and settle disrespects the rule of law and improperly elevates the powers of the federal judiciary to the detriment of the executive and legislative branches.⁹

In the past, outside groups have sued EPA for failing to act by a deadline prescribed under the law. EPA would then sign a consent decree agreeing to take a particular action ahead of other Agency actions that the public and other public officials considered to be higher priorities. We should not readily cede our authority and discretion by letting the federal judiciary dictate the priorities of the Administration and the Agency.

Taken to its extreme, the sue-and-settle strategy can allow executive branch officials to avoid political accountability by voluntarily yielding their discretionary authority to the courts, thereby insulating agency

⁸ In The Federalist Number 47, James Madison wrote:

One of the principal objections inculcated by the more respectable adversaries to the constitution, is its supposed violation of the political maxim, that the legislative, executive and judiciary departments ought to be separate and distinct. In the structure of the federal government, no regard, it is said, seems to have been paid to this essential precaution in favor of liberty. The several departments of power are distributed and blended in such a manner, as at once to destroy all symmetry and beauty of form; and to expose some of the essential parts of the edifice to the danger of being crushed by the disproportionate weight of other parts.

No political truth is certainly of greater intrinsic value or is stamped with the authority of more enlightened patrons of liberty than that on which the objection is founded. *The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny.* Were the federal constitution therefore really chargeable with this accumulation of power or with a mixture of powers having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system. I persuade myself however, that it will be made apparent to every one, that the charge cannot be supported, and that the maxim on which it relies, has been totally misconceived and misapplied. *In order to form correct ideas on this important subject, it will be proper to investigate the sense, in which the preservation of liberty requires, that the three great departments of power should be separate and distinct.*

The Federalist No. 47 (James Madison) (emphasis added).

⁹ *"The leading principle of our Constitution is the independence of the Legislature, Executive and Judiciary of each other."* Thomas Jefferson to George Hay, 1807. FE 9:59 (emphasis added). *"The Constitution intended that the three great branches of the government should be co-ordinate and independent of each other. As to acts, therefore, which are to be done by either, it has given no control to another branch. . . . Where different branches have to act in their respective lines, finally and without appeal, under any law, they may give to it different and opposite constructions. . . . From these different constructions of the same act by different branches, less mischief arises than from giving to any one of them a control over the others."* Thomas Jefferson to George Hay, 1807. ME 11:213 (emphasis added).



E. SCOTT PRUITT
ADMINISTRATOR

officials from criticisms of unpopular actions. Equally troubling, sue and settle can deprive Congress of its ability to influence agency policy through oversight and the power of the purse. Sue-and-settle agreements can also prevent subsequent administrations from modifying a particular policy priority, approach, or timeline.¹⁰ The founders of our nation did not envision such an imbalance of power among the federal branches of government.

EPA must always respect the rule of law and defend the prerogatives of its separate powers. EPA, therefore, shall avoid inappropriately limiting the discretion that Congress authorized the Agency, abide by the procedural safeguards enumerated in the law, and resist the temptation to reduce the amount of time necessary for careful Agency action.

C. Embracing Cooperative Federalism

Many environmental statutes empower the states to serve as stewards of their lands and environments.¹¹ Embracing federalism, EPA can work cooperatively with states to encourage regulations instead of compelling them and to respect the separation of powers.¹² Past sue-and-settle tactics, however, undermined this principle of cooperative federalism by excluding the states from meaningfully participating in procedural and substantive Agency actions.

When considering a consent decree or settlement agreement to end litigation against the Agency, EPA should welcome the participation of the affected states and tribes, regulated communities, and other interested stakeholders. This should include engagement even before lodging the decree or agreement, where appropriate. These additional participants to the negotiations can voice their concerns that the

¹⁰ "The separation of powers inside a government – and each official's concern that he may be replaced by someone with a different agenda – creates incentives to use the judicial process to obtain an advantage. The consent decree is an important element in the strategy. . . . It is impossible for an agency to promulgate a regulation containing a clause such as 'My successor cannot amend this regulation.' But if the clause appears in a consent decree, perhaps the administrator gets his wish to dictate the policies of his successor." Frank Easterbrook, *Justice and Contract in Consent Judgments*, 1987 U. Chi. L. Forum 19, 33-34 (1987).

¹¹ Both the Clean Air Act and the Clean Water Act contain specific provisions that enlist the states to take primary responsibility of environmental protection.

¹² In Federalist Number 51, James Madison wrote:

In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself. Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.

The Federalist No. 51 (James Madison) (emphasis added).



E. SCOTT PRUITT
ADMINISTRATOR

agreed-upon deadlines will be reasonable and fair, permitting adequate time for meaningful public participation and thoughtful Agency consideration of comments received. EPA must also seek to collaborate with the states and remain flexible when ensuring compliance with environmental protections.

Conclusion

By emphasizing the importance of process, adhering to the rule of law, and embracing cooperative federalism, EPA increases the quality of, and public confidence in, its regulations. Through transparency and public participation, EPA can reassure the American public that the rules that apply to them have been deliberated upon and determined in a forum open to all. Finally, the federal government must continue to improve engagement with the states, tribes, interested stakeholders, and regulated communities, especially when resolving litigation. The steps outlined in my directive today will help us achieve these noble goals and continue to improve us as an Agency.



E. SCOTT PRUITT
ADMINISTRATOR

SUBJECT: Directive Promoting Transparency and Public Participation in Consent Decrees and Settlement Agreements

The U.S. Environmental Protection Agency, in partnership with the states, serves a vital role in protecting human health and the environment. When conducting Agency action to achieve these objectives, the EPA must strive to promote transparency and public participation to provide the American public with due process, accountability, and a sense of fair-dealing.

It has been reported, however, that EPA has previously sought to resolve lawsuits filed against it through consent decrees and settlement agreements that appeared to be the result of collusion with outside groups. In some instances, EPA may have taken actions that had the effect of creating Agency priorities and rules outside the normal administrative process. When negotiating these agreements, EPA excluded intervenors, interested stakeholders, and affected states from those discussions. The days of this regulation through litigation, or “sue and settle,” are terminated. EPA will not resolve litigation through backroom deals with any type of special interest group.

To promote transparency and public participation in the consent decree and settlement agreement process involving lawsuits against EPA, the Agency shall follow the procedures set forth below:

1. EPA’s Office of General Counsel shall publish online a notice of intent to sue the Agency within fifteen days of receiving the notice from the potential litigant(s).
2. When EPA receives actual notice of a complaint or a petition for review regarding an environmental law, regulation, or rule in which the Agency is a defendant or respondent in federal court, the Office of General Counsel shall publish online that complaint or petition for review within fifteen days of receiving service of the complaint or petition for review.
3. EPA shall directly notify any affected states and/or regulated entities of a complaint or petition for review within fifteen days of receiving service of the complaint or petition for review. It shall be the policy of the Agency to take any and all appropriate steps to achieve the participation of affected states and/or regulated entities in the consent decree and settlement agreement negotiation process. Accordingly, EPA shall seek to receive the concurrence of any affected states and/or regulated entities before entering into a consent decree or settlement agreement.
4. Within thirty days of this directive, EPA shall publish online a searchable, categorized list of the consent decrees and settlement agreements that continue to govern Agency actions, providing a brief description of the terms of each consent decree and settlement agreement, including attorney’s fees and costs paid. EPA shall update this list by publishing any new final consent decree or settlement agreement within fifteen days of its execution.



E. SCOTT PRUITT
ADMINISTRATOR

5. EPA shall not enter into a consent decree with terms that the court would have lacked the authority to order if the parties had not resolved the litigation. EPA shall also not enter into a consent decree or settlement agreement that converts an otherwise discretionary duty of the Agency into a mandatory duty to issue, revise, or amend regulations.
6. If EPA agrees to resolve litigation through a consent decree or settlement agreement, and therefore there is no "prevailing party," then the Agency shall seek to exclude the payment of attorney's fees and costs to any plaintiff or petitioner in the litigation. EPA shall not seek to resolve the question of attorney's fees and costs "informally."
7. If a consent decree or settlement agreement includes any deadline by which EPA must issue a final rule, the Agency must provide sufficient time (1) to modify its proposed rule if necessary, consistent with applicable laws and guidance on rulemaking, including any required interagency review or consultation, (2) to provide adequate notice and comment on the modified proposal, and (3) to conduct meaningful Agency consideration of the comments received on the modified proposal.
8. EPA shall post online for review and comment by the public any proposed consent decree lodged in federal court or draft settlement agreement to resolve claims against the Agency. EPA shall also publish a notice of the lodging of the proposed consent decree or draft settlement agreement in the Federal Register.
 - a. When posting the proposed consent decree or draft settlement agreement on EPA's website, the Agency shall explain: (1) the statutory basis for the proposed consent decree or draft settlement agreement; (2) the terms of the proposed consent decree or draft settlement agreement, including any award of attorney's fees or costs and the basis for such an award; and (3) where applicable, the Agency's plans to meet deadlines in the proposed consent decree or draft settlement agreement, including the identification of necessary milestones and a demonstration that the Agency has afforded sufficient time to modify its proposed rule if necessary, provide notice and comment on the modified proposal, and conduct meaningful Agency consideration of the comments received on the modified proposal.
 - b. EPA shall provide a public comment period of at least thirty days, unless a different period of time is required by law.
 - c. EPA may hold a public hearing on whether to enter into the proposed consent decree or draft settlement agreement.
 - d. Based on the timely public comments received, EPA may seek to withdraw, modify, or proceed with the proposed consent decree or draft settlement agreement. If the terms of a consent decree or draft settlement agreement are modified, EPA shall follow the process set forth above.



E. SCOTT PRUITT
ADMINISTRATOR

9. Where appropriate, I reserve the right to exercise my discretion and permit EPA to deviate from the procedures set forth in this directive. In no circumstance, however, will I permit the agency to violate its statutory authority or to upset the constitutional separation of powers.
10. This directive is intended to improve the internal management of EPA and does not create a right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, EPA, its officers or employees, or any other person.

With these improvements to transparency and public participation, EPA is taking another step to provide the public with a more open, accessible, and fair government. Together we can continue to improve the lives and livelihoods of the American people.



E. Scott Pruitt
October 16, 2017



E. SCOTT PRUITT
ADMINISTRATOR

December 13, 2017

MEMORANDUM

SUBJECT: Office of Policy Reorganization

FROM: E. Scott Pruitt

TO: Deputy Administrator
General Counsel
Assistant Administrators
Inspector General
Chief Financial Officer
Chief of Staff
Associate Administrators
Regional Administrators

Today I am taking several steps to strengthen the agency's attention to two areas – Environmental Justice and the National Environmental Policy Act – and to revitalize the agency's Office of Policy.

First, I am elevating the Office of Federal Activities into the Office of Policy, which is within the Office of the Administrator, from its current home in the Office of Enforcement and Compliance Assurance. Moving OFA, which leads the agency's NEPA reviews, to OP will ensure staff are able to quickly elevate issues to me for resolution and allow us to expedite environmental reviews and approvals of high-priority infrastructure projects as directed by the President under Executive Order 13766. A small number of staff in OFA who control transboundary movement of hazardous waste under RCRA will move instead to the Office of Land and Emergency Management, where complementary work is being performed. I am also creating a Permitting Policy Division within OFA to lead our commitment to streamline the agency's permitting processes under the Presidential Memorandum signed January 24, 2017. This group will be housed here to build upon our successes in streamlining NEPA reviews.

Second, I am elevating the Office of Environmental Justice into OP from its current home in OECA. This move will strengthen and complement the work already being done by the Office of Community Revitalization (formerly the Office of Sustainable Communities) within OP and

provide better support to communities as they work to improve health, protect the environment and grow their economies. Bringing the collective resources and expertise of these organizations together will provide a more comprehensive understanding of community needs and health disparities. This will allow us to better coordinate across our own programs and with our federal partners to ensure efforts are aligned and community needs are fully reflected in our actions and investments. It will also enable us to partner more effectively with states, tribes and local governments to support their efforts to engage with, and answer the needs of, their most vulnerable communities. And finally, it will allow us to collaborate more successfully with business and industry, academia, civil society and other stakeholders that share an interest in building strong, healthy and prosperous communities.

I ask AO, OECA, OLEM and the Office of Administration and Resources Management to work together to take the necessary steps and put in place the documentation to reflect these organizational changes and to inform and involve our union partners as appropriate.

I appreciate your continued support of these important priority areas as we complete this effort.



E. SCOTT PRUITT
ADMINISTRATOR

October 23, 2017

MEMORANDUM

SUBJECT: Delegation of Authority 1-130, Designation of Proposing and/or Deciding Officials for Disciplinary or Performance-Based Actions

FROM: E. Scott Pruitt

TO: Deputy Administrator
Chief of Staff
Assistant Administrator, Office of Administration and Resources Management
Principal Deputy Assistant Administrator, Office of Administration and Resources Management

1-130. Designation of Proposing and/or Deciding Officials for Disciplinary or Performance-Based Actions (1200 1-130 TN 660)

1. **AUTHORITY.** To designate proposing and/or deciding officials for disciplinary or performance-based actions under 5 CFR Parts 315, 359, 432 and 752, and EPA Orders 3110.6B, *Adverse Actions*, 3110.16, *Reduction in Grade and Removal Based on Unacceptable Performance*, 3120.1B, *Conduct and Discipline*, and 3120.2, *Conduct and Discipline Senior Executive Service*.
2. **TO WHOM DELEGATED.** The deputy administrator, the chief of staff and the Office of Administration and Resources Management assistant administrator and the principal deputy assistant administrator.
3. **LIMITATIONS.**
 - a. This authority is to be exercised only in situations where, due to the unique circumstances present in a particular disciplinary or performance-based action, the agency must designate a proposing and/or deciding official for the action under authorities not currently provided by the EPA Orders referenced in section 1, above, or other existing delegation(s).

- b. The authority in section 1, above, does not apply to actions involving employees in the Office of Inspector General, except to the extent the Inspector General delegates his/her authority to the agency.
- c. The exercise of the authority provided under this delegation is to be consistent with any applicable collective bargaining agreement(s).

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES. None.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 05 2018

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

MEMORANDUM

SUBJECT: Final Rule: Financial Responsibility Requirements for the Hardrock Mining Industry (Tier 1; SAN 5350.1; RIN 2050-AG61) – **CORRECTION MEMORANDUM**

FROM: Barry N. Breen
Principal Deputy Assistant Administrator
Office of Land and Emergency Management (5101T)

THRU: Samantha Dravis
Office of Policy (1804A)

Matthew Leopold
Office of General Counsel (2311A)

TO: E. Scott Pruitt
Administrator (1101A)

We recommend making minor changes to the Financial Responsibility Requirements for the Hardrock Mining Industry Final Rule (Final Rule) that was signed on December 1, 2017, but has not yet been published in the *Federal Register*. The changes largely reflect the U.S. National Archives and Record Administration Office of the Federal Register's (OFR) interpretations of their publishing requirements. This memorandum documents the basis for the changes, and that they are editorial in nature. A redline/strikeout version of the prepublication version of the Final Rule documenting these changes is attached to this memorandum. This memorandum is submitted per Office of General Counsel and Office of Policy guidance on changes to rule language after the rule has been signed by the Administrator but before it has been published in the *Federal Register*.¹

1. Changing the term 'final rule' to 'final action' in the Action and Dates Sections.

OFR has indicated to EPA that under its implementing regulations (1 CFR 5.9 and parts 21 and 22) for the Federal Register Act (44 U.S.C. chapter 15) and its Document Drafting Handbook, OFR allows only documents that amend the Code of Federal Regulations (CFR) to be labeled as "final rules." OFR has explained to EPA staff that its document types and categorization under the 1 CFR part 5 are intended to standardize the publication process across agencies and ensure orderly codification as required under 1

¹ Memorandum from Ann Klee, General Counsel, and Brian Mannix, Associate Administrator for the Office of Policy, Economics and Innovation, *Changes to Rule Documents Prepared for the Administrator's Signature*, July 25, 2006.

CFR part 8. OFR indicated that documents detailing a final agency action or decision that do not amend the CFR should publish in the Rules and Regulations section of the *Federal Register* but not be labeled as “final rules.” The Final Rule does not include amendatory CFR text. Therefore, EPA changed the term ‘final rule’ to ‘final action’ in both the Action and Dates Sections.

2. Changing the term “final rule” to “final rulemaking” in the Summary and Supplementary Information Sections.

For the same reason as under #1, and in accordance with OFR’s direction, EPA changed several dozen references from “final rule” to “final rulemaking” in the Summary Section and throughout the Supplementary Information Section. OFR indicated to EPA that the use of “final rulemaking” was acceptable in these sections.

3. Adding footnote to clarify that the changes do not alter the legal status of EPA’s action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

OFR regulations expressly disclaim any legal effect of their publication requirements on the underlying action, stating, “[i]n prescribing regulations governing headings, preambles, effective dates, authority citations, and similar matters of form, the Administrative Committee does not intend to affect the validity of any document that is filed and published under law.” 1 CFR 5.1(c).

The Final Rule remains a regulation issued pursuant to CERCLA, notwithstanding the edits replacing various references to a “final rule.” To avoid any public confusion on this matter and at OFR’s recommendation, we have included an explanatory footnote to the published version. OFR indicated that this is consistent with other agencies’ practice. The footnote was added to Section I.B. (Executive Summary, Purpose of the Regulatory Action) under the Supplemental Information Section as follows:

EPA has made editorial changes to this document from the prepublication version, including replacing various references to the action being a “final rule,” in accordance with the Office of the Federal Register’s (OFR) interpretations of its implementing regulations (1 CFR 5.9 and parts 21 and 22), the Federal Register Act (44 U.S.C. chapter 15) and Document Drafting Handbook. OFR regulations, however, expressly disclaim a legal effect from these publication requirements. “In prescribing regulations governing headings, preambles, effective dates, authority citations, and similar matters of form, the Administrative Committee does not intend to affect the validity of any document that is filed and published under law.” 1 CFR 5.1(c). Accordingly, these editorial changes do not affect the legal status of the action as a final regulation under CERCLA.

4. Moving language from the Summary Section to the Executive Summary Section.

OFR requested that EPA remove text from the Summary Section of the document to shorten that section, citing 1 CFR 18.12(c), and to make a conforming edit to the first sentence of the section. EPA accordingly made the conforming edit and moved the text in question to the Supplemental Information Section of the document, to new section I.A. (Executive Summary Overview) under Supplemental Information.

5. Corrected citation in footnote 52.

EPA has corrected a citation in footnote 52 to include the complete section number intended to be referenced by adding “.60” so that it now reads “40 CFR 320.60(a)(2).”

6. Changing reference from ‘rule’ to ‘requirements’.

In the first sentence under Section VI of the Supplemental Information Section, EPA has changed the word ‘rule’ to ‘requirements’ (and deleted the preceding “a” as a conforming edit) to more accurately capture EPA’s intent to not issue any new CFR text with this action.

I approve the corrections listed above to the Financial Responsibility Requirements for the Hardrock Mining Industry Final Rule:

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a large, stylized flourish above it.

E. Scott Pruitt
Administrator

Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 19, 2017

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Delegation of Authority
FROM: E. Scott Pruitt *[Signature]*
TO: Brian T. Hope
Acting Director, Office of the Executive Secretariat

I am delegating to you, in your capacity as Deputy Director of the Office of the Executive Secretariat the authority to approve use of the autopen to affix my signature to acknowledgment cards and letters; copies of official photographs; standard congratulatory letters for Boy Scouts and Girl Scouts; standard employee service anniversary recognition letters; credentials issued for agents, investigators and other officials; standard retirement letters and certificates; and any other standard letters as approved by me or my designee.

I retain the right to exercise or withdraw the authority conveyed by this delegation.

cc: Michael P. Flynn
Ryan T. Jackson
John E. Reeder



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 22 2018

OFFICE OF
ADMINISTRATION
AND RESOURCES
MANAGEMENT

MEMORANDUM

SUBJECT: Within Grade Increases for Administratively Determined Positions
ACTION MEMORANDUM

FROM: Donna J. Vizian, Principal Deputy Assistant Administrator

THRU: Ryan Jackson
Chief of Staff

TO: E. Scott Pruitt
Administrator

Issue:

To request approval to provide within grade increases for eligible administratively determined employees in accordance with the agency attached AD guidance.

Discussion:

Under the provisions of the Safe Drinking Water Amendments of 1977 (Public Law 95-190, November 16, 1977), the U.S. Environmental Protection Agency Administrator has the authority to appoint individuals to AD positions equivalent to the General Schedule 15 grade level and below. The AD pay authority allows the Administrator to establish the initial rate of pay and to approve pay adjustments as appropriate.

The EPA implemented this guidance to afford AD employees WGIs as provided to similarly graded GS employees. The process used to determine eligibility and the monetary value of a WGI are structured in accordance with current regulations on General Schedule WGIs. If approved, all eligible employees serving in AD positions will receive a WGI commensurate to a single step, as determined by their current basic rate of pay and applicable locality pay.

Recommendation:

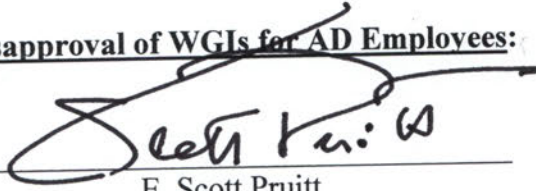
I recommend that you approve the WGIs for any current or future employee serving in AD positions under your administration who are below the GS-15 step 10 rate of pay, have been in their position for the appropriate time in grade (either one, two or three years depending on the rate of pay), were rated

fully successful or better in the last performance appraisal cycle, and received their first line supervisor's endorsement.

Attachment

Approval/Disapproval of WGIs for AD Employees:

Approval:



E. Scott Pruitt
Administrator

FEB 26 2018

Date

Disapproval:

E. Scott Pruitt
Administrator

Date



E. SCOTT PRUITT
ADMINISTRATOR

April 25, 2018

MEMORANDUM

SUBJECT: Delegation of Authority 7-180, Training Provider and Training Course for Method 303 – Visible Emissions from By-Product Coke Oven Batteries

FROM: E. Scott Pruitt

A handwritten signature in black ink, which appears to read "E. Scott Pruitt", is written over the "FROM:" line and extends into the "TO:" line.

TO: Deputy Administrator
General Counsel
Assistant Administrator, Office of Administration and Resources Management
Assistant Administrator, Office of Air and Radiation
Regional Administrators

7-180 Training Provider and Training Course for Method 303 – Visible Emissions from By-Product Coke Oven Batteries (1200 TN 668)

1. **AUTHORITY.** To approve or deny a Method 303 training provider and course under 40 CFR Part 63, Appendix A, Method 303 and to revoke approval of such training provider and course.
2. **TO WHOM DELEGATED.** Authority is delegated to the Assistant Administrator of the Office of Air and Radiation.
3. **LIMITATIONS.** None.
4. **REDELEGATION OF AUTHORITY.** The authority may be redelegated to the branch chief level, or equivalent, and no further. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** 40 CFR Part 63, Appendix A, Method 303 section 10.1.





E. SCOTT PRUITT
ADMINISTRATOR

April 13, 2018

MEMORANDUM

SUBJECT: Approval of Direct Loan to King County, Washington for the Georgetown Wet Weather Station in the Amount of \$134.5 million

FROM: E. Scott Pruitt

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over the "FROM:" line and extends into the "TO:" line.

TO: David P. Ross, Assistant Administrator
Office of Water

I have reviewed the recommendation of the Water Infrastructure Finance and Innovation Act Credit Council as part of the WIFIA loan approval package. I hereby approve the direct loan to King County, Washington, for the Georgetown Wet Weather Station in an amount not to exceed \$134.5 million and also direct the WIFIA program to execute a term sheet and a credit agreement setting forth the complete terms and conditions of the WIFIA loan to King County.



**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By: 

Name: E. Scott Pruitt

Title: Administrator

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By: 

Name: E. Scott Pruitt

Title: Administrator

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By: 

Name: E. Scott Pruitt

Title: Administrator

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By: 

Name: E. Scott Pruitt

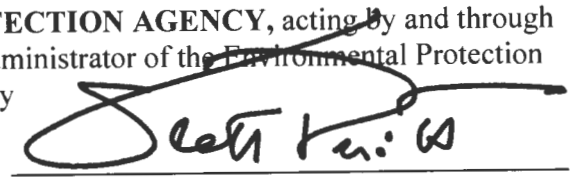
Title: Administrator

If the foregoing terms are acceptable, please countersign this letter in the space indicated below.

Sincerely,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By: _____


Name: E. Scott Pruitt
Title: Administrator

If the foregoing terms are acceptable, please countersign this letter in the space indicated below.

Sincerely,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By: 

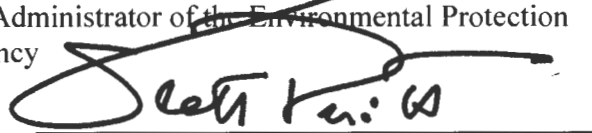
Name: E. Scott Pruitt
Title: Administrator

If the foregoing terms are acceptable, please countersign this letter in the space indicated below.

Sincerely,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By:

A handwritten signature in black ink, appearing to read "Scott Pruitt", is written over a horizontal line.

Name: E. Scott Pruitt

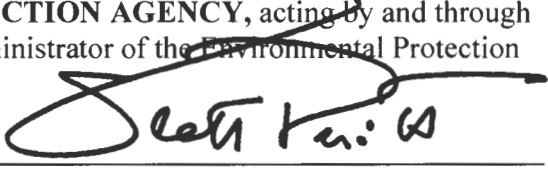
Title: Administrator

If the foregoing terms are acceptable, please countersign this letter in the space indicated below.

Sincerely,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By:



Name: E. Scott Pruitt
Title: Administrator

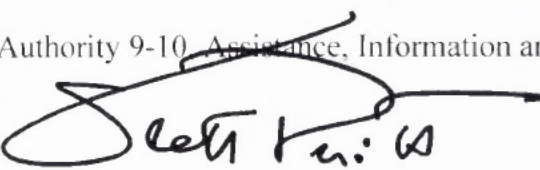


E. SCOTT PRUITT
ADMINISTRATOR

May 31, 2018

MEMORANDUM

SUBJECT: Delegation of Authority 9-10, Assistance, Information and Training of Personnel

FROM: E. Scott Pruitt 

TO: Assistant Administrator, Office of Water

I hereby delegate to the assistant administrator for the Office of Water the temporary delegation of authority to approve, award, provide and administer grants and cooperative agreements under Section 1442(e) of the *Safe Drinking Water Act*.

9-10, Assistance, Information and Training of Personnel (1200 TN 526)

1. **AUTHORITY.** Pursuant to Section 1442 of the *Safe Drinking Water Act*, as amended, authority to:
 - a. Conduct research, studies and demonstrations relating to the causes, diagnosis, treatment, control and prevention of physical and mental diseases and other impairments of man resulting directly or indirectly from contaminants in water, or to the provision of a dependably safe supply of drinking water, including improved methods of protecting underground sources of drinking water.
 - b. Perform the U.S. Environmental Protection Agency functions and responsibilities relative to collecting and making available information; making available EPA facilities; and approving assistance agreements for training projects and for the development and expansion of programs of states and municipalities in accordance with Sections (a)(2) and (c).
 - c. Approve assistance agreements for improving water quality to any individuals, public agency, educational institutions, publicly owned water systems, persons and any other non-profit organization in accordance with Sections (a) and (e), supplemented, as appropriate, for international awards by the *National Environmental Policy Act*, Section 102(2)(F).
 - d. Approve grants or cooperative agreements to any public agency, educational institution



and any other organization for training projects authorized by Section 1442(c)(3)(A) and 1442(c)(1) of the *Safe Drinking Water Act*, as amended.

2. TO WHOM DELEGATED.

- a. Authorities (a) and (b) are delegated to the assistant administrator for water and regional administrators.
- b. Authority (c) is delegated to the AA for water.
- c. Authority (d) is delegated to the AA for water, the AA for research and development and the RAs.

3. LIMITATIONS.

- a. The authority delegated does not include research within the purview of Office of Research and Development.
- b. The authority delegated to the RAs under (b) does not include Section 1442(c)(2).
- c. The authority delegated to the AA for ORD is limited to multi-disciplinary training assistance initiated and funded by an office other than the primary holder of training grant authority.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the division director level or equivalent and may not be redelegated further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. *Federal Grant and Cooperative Agreement Act* of 1977.
- b. 40 CFR Parts 30, 31, 32, 34, 40, 45, and 46.
- c. The EPA's Assistance Administration Manual, including Chapter 7, Assistance to Project Activities Outside the United States, which requires the Office of International and Tribal Affairs and State Department concurrence (Chapter 7, Subpar.1(C)(2) and (3)).
- d. EPA Delegation 1-14, which gives the authority to award (execute/sign) grants and cooperative agreements to the Director, Grants Administration Division, with further redelegation authorized to the branch chief level.



E. SCOTT PRUITT
ADMINISTRATOR

April 26, 2018

MEMORANDUM

SUBJECT: Clarification of the May 9, 2017, Revisions to CERCLA Delegations of Authority 14-2 Responses and 14-21A Consultations, Determinations, Reviews and Selection of Remedial Actions at Federal Facilities: Amendments to Records of Decision, Explanations of Significant Difference and Non-Time-Critical Removal Actions Under CERCLA

FROM: E. Scott Pruitt

A handwritten signature in black ink, which appears to read "Scott Pruitt", is written over the printed name "E. Scott Pruitt" and extends across the "TO:" line.

TO: Assistant Administrator, Office of Land and Emergency Management
Regional Administrators

Last year, under my leadership, the U.S. Environmental Protection Agency restored the Superfund program and the EPA's land cleanup efforts to their rightful place at the center of the agency's core mission. Investigation and remediation continues at sites across the country, and EPA professionals at headquarters and in the EPA's regional offices are working hard to implement the recommendations of the Superfund Task Force issued last year. Great progress has been made, and progress continues at Superfund sites across the country.

As part of this effort to revitalize the Superfund program, I issued two revised delegations of authority in May 2017 that had the effect of retaining my authority to select a remedy in a Record of Decision when the estimated cost of such a remedy exceeds \$50 million. This authority had been previously delegated to the assistant administrator for Office of Land and Emergency Management and the regional administrators. Since this change became effective, it has facilitated increased oversight, accountability and consistency in remedy selection and fostered additional direct engagement by my office in the agency's CERCLA remediation efforts.

To build on these achievements, I am issuing this memorandum to clarify the Administrator's role when the agency makes other significant decisions regarding Superfund cleanups. Specifically, I am directing the assistant administrator for OLEM and the regional administrators to coordinate and consult with the Administrator's Office early on when developing Record of Decision Amendments or Explanations of Significant Differences if such actions are projected to either increase the estimated cost of a remedy to greater than \$50 million or are



projected to increase the estimated cost of a remedy that is already greater than \$50 million by any amount. In addition, I am directing the assistant administrator for OLEM and the regional administrators to coordinate and consult with the Administrator's Office when developing Non-Time-Critical Removal Actions estimated to exceed \$50 million. After such consultation, I will determine whether to exercise my authority to sign the ROD Amendment, ESD or NTCRA Memorandum or to provide for the delegated official to sign.

Please take steps to implement the directives in this memorandum immediately. Through this enhanced coordination and cooperation, we will provide more accountability and consistency throughout the EPA's regions as we work to protect human health and the environment for all Americans.

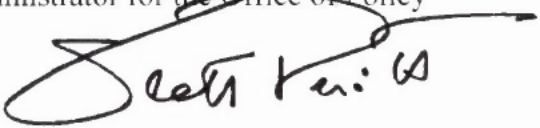


E. SCOTT PRUITT
ADMINISTRATOR

March 8, 2018

MEMORANDUM

SUBJECT: Assignment of Roles and Responsibilities and Delegation of Authorities to the Associate Administrator for the Office of Policy

FROM: E. Scott Pruitt 

TO: Deputy Administrator
General Counsel
Assistant Administrators
Chief Financial Officer
Chief of Staff
Chief Operating Officer
Chief Information Officer
Associate Administrators
Regional Administrators

I have asked the Associate Administrator for the Office of Policy to lead and coordinate agency-wide efforts to make policy-related changes needed to accelerate permitting-related decisions without sacrificing environmental results. This includes permits processed by the U.S. Environmental Protection Agency or delegated states¹ in support of broader agency Lean initiatives being led by the chief operating officer. Consistent with my priority goal, the Associate Administrator for OP will lead and coordinate agency-wide efforts to review permitting policies on a recurring basis to ensure consistency and conformance with statutory authority and agency priorities, and to flag policy provisions that contribute to unnecessary processing time delays.

I hereby assign the following authorities and responsibilities related to this new, centralized permitting policy function to the Associate Administrator for OP:

- Establish, implement, lead and coordinate agency-wide efforts to conduct recurring periodic review of permitting policies and guidance governing the processing and

¹ Specific to the topic of permits within this memo, "delegated" refers to permitting programs that the EPA has delegated, authorized or approved to be managed by states, tribes or localities, collectively referred to as "states."



issuance of federal environmental permits. The timing and scope of the periodic review shall be done in conjunction with other assistant and regional administrators;

- In coordination with the Office of General Counsel and appropriate AAs, identify policy provisions that deviate from statutory authority and that may contribute to unnecessary permit processing delays, and work with the AAs that are most directly responsible for the permit program to implement appropriate changes;
- Support the goals of cooperative federalism and rule-of-law processes in EPA's 2018-2022 Strategic Plan, by developing a cross-agency strategy and taking necessary steps to engage and collaborate with co-regulators, where permitting responsibilities pursuant to a federal program are delegated or authorized to a state, tribe or locality;
- Support the chief information officer, in coordination with the chief financial officer, AAs and regional administrators to develop a vision and implement an online "electronic permitting" system that provides the ability to apply for, track the status of and receive permits electronically;
- Facilitate timely and synchronized permit authorization within the environmental review process for major infrastructure projects covered by Title 41 of the *Fixing America's Surface Transportation Act* (FAST-41); and
- Serve as the advocate and central point of contact for all federal agencies on EPA permits.

In addition to these new roles and responsibilities, the Office of Federal Activities is moving from the Office of Enforcement and Compliance Assurance to OP within the Office of the Administrator. As part of this reorganization, the following authorities related to the *National Environmental Policy Act* will be delegated to the Associate Administrator for OP:

- 1-21 Federal Register;
- 7-57 Section 309 Review Process;
- 16-1 Review and Comment on Department of Energy Actions;
- 24-1 Reduction and Extension of the Minimum Environmental Impact Statement Review Periods; and
- 24-2 Review and Adequacy Determination of Environmental Impact Assessment Documents for Non-Governmental Activities in Antarctica.

Consistent with legal requirements, I direct that the appropriate section within Title 40 of the Code of Federal Regulations be updated to reflect this reorganization.



E. SCOTT PRUITT
ADMINISTRATOR

June 19, 2018

MEMORANDUM

SUBJECT: Approval of Direct Loan to the City of Omaha, Nebraska for the Saddle Creek Retention Treatment Basin in the Amount of \$69.7 million

FROM: E. Scott Pruitt

TO: Assistant Administrator, Office of Water

I have reviewed the recommendation of the *Water Infrastructure Finance and Innovation Act* Credit Council as part of the WIFIA loan approval package. I hereby approve the direct loan to the City of Omaha, Nebraska, for the Saddle Creek Retention Treatment Basin in an amount not to exceed \$69.7 million and also direct the WIFIA program to execute a term sheet and a credit agreement setting forth the complete terms and conditions of the WIFIA loan to the City of Omaha.



UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, acting by and
through the Administrator of the
Environmental Protection Agency

By: 

Name: E. Scott Pruitt

Title: Administrator

[Signature page to Omaha Saddle Creek RTB WIFIA Loan Agreement]

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, acting by and
through the Administrator of the
Environmental Protection Agency

By: 

Name: E. Scott Pruitt

Title: Administrator

[Signature page to Omaha Saddle Creek RTB WIFIA Loan Agreement]

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

June __, 2018

City of Omaha
1819 Farnam Street, Suite 600
Omaha, NE, 68183

Re: WIFIA Loan Term Sheet for the Saddle Creek RTB Project (WIFIA Project No. – N17101NE)

Ladies and Gentlemen:

This WIFIA Loan Term Sheet (the "**Term Sheet**") constitutes (a) the approval of the United States Environmental Protection Agency, acting by and through the Administrator of the Environmental Protection Agency (hereinafter, the "**USEPA**"), of the application for credit assistance of the Borrower (as defined below) dated January 18, 2018 (the "**Application**") and (b) the agreement of USEPA to provide financing for the above-referenced project (the "**Project**," as described below) in the form of a secured loan (the "**WIFIA Loan**") pursuant to the Water Infrastructure Finance and Innovation Act ("**WIFIA**"), § 5021 et seq. of Public Law 113-121 (as amended by Public Law 114-94 and Public Law 114-322) (the "**Act**"), codified as 33 U.S.C. §§ 3901-3914, subject to the execution and terms of the WIFIA Loan Agreement, dated as of the date hereof, between the Borrower and USEPA (the "**WIFIA Loan Agreement**"). Terms not otherwise defined herein shall have the meanings ascribed to such terms in the WIFIA Loan Agreement.

The Project consists of a new combined sewer overflow (CSO) retention treatment basin (RTB) facility referred to as the Saddle Creek RTB and associated improvements, located at 64th and Center Street in Omaha, Nebraska.

USEPA's agreement to provide WIFIA credit assistance to the Project is based on the Application and the supplemental information and documents, including the Base Case Financial Model provided to USEPA. This Term Sheet establishes only the parties, the maximum original principal amount of the WIFIA Loan, the dedicated repayment source and security interest, the projected substantial completion date of the Project, the final maturity date of the WIFIA Loan, the method of determining the interest rate of the WIFIA Loan, and the payment dates of the WIFIA Loan.

By executing this Term Sheet, the Borrower agrees to reimburse USEPA for any and all fees and expenses USEPA incurs for legal counsel, financial advice, and other consultants in connection with the evaluation of the Project and the negotiation and preparation of the WIFIA Loan Agreement, whether or not such agreement is ultimately executed.

This Term Sheet is an agreement of USEPA only to the terms specified herein. WIFIA credit assistance is subject in all respects to the execution of the WIFIA Loan Agreement on terms and conditions acceptable to USEPA.

This Term Sheet shall be governed by the federal laws of the United States of America if and to the extent such federal laws are applicable and the internal laws of the State of Nebraska, if and to the extent such federal laws are not applicable.

WIFIA LOAN TERMS

WIFIA LENDER	United States Environmental Protection Agency, acting by and through the Administrator of the Environmental Protection Agency.
BORROWER	City of Omaha, Nebraska, a home rule city duly organized under the laws of the State of Nebraska.
ORIGINAL PRINCIPAL AMOUNT OF WIFIA LOAN	Not to exceed \$69,686,244, plus an amount equal to capitalized interest on the WIFIA Loan; provided that (a) the maximum original principal amount of the WIFIA Loan, together with the amount of any other credit assistance provided under the Act, shall not exceed forty-nine percent (49%) of reasonably anticipated Eligible Project Costs for the Project and (b) the total federal funding for the Project, inclusive of the original principal amount of the WIFIA Loan and all federal direct and indirect grants, shall not exceed eighty percent (80%) of Total Project Costs.
DEDICATED REPAYMENT SOURCE/SECURITY	The debt obligation of the Borrower under the WIFIA Loan shall be evidenced through the issuance by the Borrower of the WIFIA Bond. The dedicated source of repayment for the WIFIA Bond shall be revenues derived from the Borrower's sanitary sewerage system in accordance with the Borrower's Ordinance No. 37507, as amended and supplemented (the "Ordinance"). The WIFIA Bond shall be an Additional Bond as defined in the Ordinance secured on a parity with all other Bonds issued pursuant to the Ordinance.
ISSUANCE AND TERMS OF WIFIA BOND	The terms of the WIFIA Loan with respect to principal amount, interest rate, principal amortization, principal and interest payment dates, redemption provisions and payment

PROJECTED SUBSTANTIAL
COMPLETION DATE

terms shall be reflected in the terms of the WIFIA Bond.

December 1, 2022, as such date may be adjusted in accordance with the WIFIA Loan Agreement.

TERM

The final maturity of the WIFIA Bond shall be October 1, 2052.

INTEREST RATE; PAYMENT DATES

The WIFIA Bond shall bear interest at a fixed rate, calculated by adding one basis point (.01%) to the rate of securities of a similar maturity as published, on the execution date of the WIFIA Loan Agreement, in the United States Treasury Bureau of Public Debt's daily rate table for State and Local Government Series (SLGS) securities, currently located on the Internet at <https://www.treasurydirect.gov/GA-SL/SLGS/selectSLGSDate.htm>. Interest and principal on the WIFIA Bond shall be payable semiannually, beginning on October 1, 2022 (the "Debt Service Payment Commencement Date"). Interest shall be computed on the basis of a 360-day year of twelve (12) thirty (30) day months, and will be compounded semi-annually. Prior to the Debt Service Payment Commencement Date interest shall accrue semiannually and be capitalized as additional principal of the WIFIA Loan (and the corresponding WIFIA Bond). The WIFIA Bond shall also bear interest at a rate of 500 basis points above the otherwise applicable interest rate at such times and upon such terms as is provided in the WIFIA Loan Agreement.

LOAN DOCUMENTATION

The WIFIA Loan shall be subject to the preparation, execution and delivery of the WIFIA Loan Agreement and loan documentation acceptable to the WIFIA Lender and the Borrower, which will contain certain conditions precedent, representations and warranties, affirmative and negative covenants, events of default, and other

provisions as agreed between the WIFIA Lender and the Borrower.

COUNTERPARTS

This Term Sheet and any amendments, waivers, consents or supplements hereto or in connection herewith may be executed in any number of counterparts and by the parties hereto in separate counterparts, each of which when so executed and delivered shall be deemed an original, but all such counterparts together shall constitute but one and the same instrument. Signature pages may be detached from multiple separate counterparts and attached to a single counterpart so that all signature pages are physically attached to the same document.

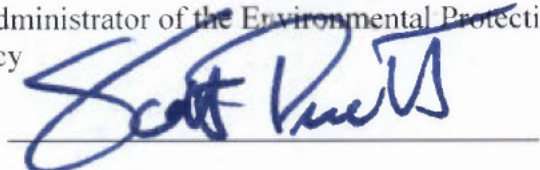
[Signature Pages to Follow]

If the foregoing terms are acceptable, please countersign this letter in the space indicated below.

Sincerely,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By: _____



Name: E. Scott Pruitt

Title: Administrator

[Signature page to Omaha Saddle Creek RTB WIFIA Term Sheet]

If the foregoing terms are acceptable, please countersign this letter in the space indicated below.

Sincerely,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By: 

Name: E. Scott Pruitt
Title: Administrator

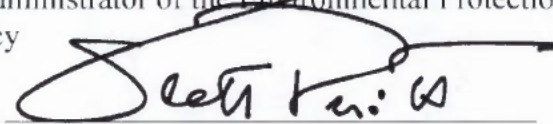
[Signature page to Omaha Saddle Creek RTB WIFIA Term Sheet]

If the foregoing terms are acceptable, please countersign this letter in the space indicated below.

Sincerely,

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY**, acting by and through
the Administrator of the Environmental Protection
Agency

By:

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", is written over a horizontal line.

Name: E. Scott Pruitt
Title: Administrator

[Signature page to Omaha Saddle Creek RTB WIFIA Term Sheet]

ACKNOWLEDGED AND AGREED TO:

CITY OF OMAHA, NEBRASKA, by its authorized official

By: _____
Name:
Title:

[Signature page to Omaha Saddle Creek RTB WIFIA Term Sheet]



E. SCOTT PRUITT
ADMINISTRATOR

May 9, 2018

MEMORANDUM

SUBJECT: Back-to-Basics Process for Reviewing National Ambient Air Quality Standards

FROM: E. Scott Pruitt

TO: Assistant Administrators

The Clean Air Act (CAA) requires the U.S. Environmental Protection Agency (EPA or Agency) to periodically review the National Ambient Air Quality Standards (NAAQS), including both primary and secondary standards,¹ for criteria air pollutants to ensure these standards reflect the best, current scientific information while protecting public health and the environment. CAA Sections 108 and 109 describe that these reviews depend on the development, assessment, and evaluation of scientific information by EPA, and, in turn, advice from the Agency's independent Clean Air Scientific Advisory Committee (CASAC). The development of key, policy-relevant assessments for the NAAQS review process should be led by the Office of Air and Radiation, with key scientific inputs in the early stages of a review provided by the Office of Research and Development. Because of the potentially significant impacts of a NAAQS revision on economic activity, state agency planning resources, public health, and the environment, it is important that these reviews are completed in a timely, efficient, and transparent manner. In this memorandum, I set out the following five principles for EPA to observe in future NAAQS reviews:

- (1) Meet statutory deadlines;
- (2) Address all CAA provisions for NAAQS reviews;
- (3) Streamline and standardize the process for development and review of key policy-relevant information;
- (4) Differentiate science and policy judgments in the NAAQS review process; and

¹42 U.S.C. § 7409(b)(1) defines primary standards as "ambient air quality standards the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health." 42 U.S.C. § 7409(b)(2) defines secondary standards as specifying "a level of air quality the attainment and maintenance of which in the judgment of the Administrator, based on such criteria, is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of such air pollutant in the ambient air." 42 U.S.C. § 7602(h) states that "[a]ll language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants."





E. SCOTT PRUITT
ADMINISTRATOR

(5) Issue timely implementation regulations and guidance.

The principles contained in this memorandum will help EPA meet its statutory obligations consistent with our commitment to cooperative federalism and the rule of law as well as President Trump's Memorandum on *Promoting Domestic Manufacturing and Job Creation—Policies and Procedures Relating to Implementation of Air Quality Standards*.² This Back-to-Basics process ensures that EPA is addressing—and CASAC is providing advice on—the scientific questions Congress intended to inform the Administrator's review, revision, and implementation of the NAAQS. In addition, although some of these changes in the NAAQS review process may not be directly relevant to EPA's judgments on the appropriate indicator, averaging time, form, and level for the NAAQS, they will provide critical technical and policy context for the public, co-regulators, and EPA as they implement these standards. These principles build upon previous EPA NAAQS review memoranda issued December 7, 2006,³ and May 21, 2009.⁴

As EPA evaluates whether to reconsider, modify, or maintain the 2015 ozone NAAQS,⁵ I am directing Agency staff to begin the next review of the ozone NAAQS so EPA will be ready to finalize any necessary revisions by the statutorily required five-year deadline (October 2020). EPA shall move forward to open the docket and publish *Federal Register* notices calling for scientific and policy-relevant information and requesting nominations for the CASAC ozone review panel. This should be done in a manner consistent with the principles set forth in the October 31, 2017 directive on *Strengthening and Improving Membership on EPA Federal Advisory Committees*⁶ and EPA should ensure that the panel has the necessary expertise to carry out these principles. EPA also intends to conduct the already initiated review of the particulate matter NAAQS⁷ in such a manner as to ensure that any necessary revisions to

² 83 Fed. Reg. 16,761 (April 12, 2018).

³ Memorandum from Marcus Peacock, Deputy Administrator, to George Gray, Assistant Administrator for Research and Development, and Bill Wehrum, Acting Assistant Administrator for Air and Radiation, *Process for Reviewing National Ambient Air Quality Standards* (December 7, 2006) available at: https://www3.epa.gov/ttn/naaqs/pdfs/memo_process_for_reviewing_naaqs.pdf.

⁴ Memorandum from Lisa Jackson, Administrator, to Elizabeth Craig, Acting Assistant Administrator for Air and Radiation, and Lek Kadeli, Acting Assistant Administrator for Research and Development, *Process for Reviewing National Ambient Air Quality Standards* (May 21, 2009) available at: <https://www3.epa.gov/ttn/naaqs/pdfs/NAAQSReviewProcessMemo52109.pdf>. For more historical information on the NAAQS review process, see: <https://www.epa.gov/naaqs/historical-information-naaqs-review-process>.

⁵ 79 Fed. Reg. 71,764. See also 80 Fed. Reg. 65,291.

⁶ Directive from E. Scott Pruitt, Administrator, *Strengthening and Improving Membership on EPA Federal Advisory Committees* (Oct. 31, 2017) available at: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_directive-10.31.2017.pdf. See also Memorandum from E. Scott Pruitt, Administrator, to Assistant and Regional Administrators and Office of General Counsel, *Strengthening and Improving Membership on EPA Federal Advisory Committees* (Oct. 31, 2017) available at: https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_memo-10.30.2017.pdf.

⁷ 80 Fed. Reg. 87,933.





E. SCOTT PRUITT
ADMINISTRATOR

that NAAQS are finalized by December 2020. EPA should seek to identify efficiencies in the simultaneous review of these two important criteria pollutants. These principles shall apply to all aspects of the review of the ozone NAAQS as well as future NAAQS review. For reviews that have already begun, EPA shall apply these principles as appropriate.

EPA and CASAC shall strive to follow these five principles as the Agency conducts NAAQS reviews:

Principle 1: Meet Statutory Deadlines

The CAA requires EPA to review each NAAQS every five years.⁸ However, EPA has often failed to do so, routinely taking twice that time before finalizing a review and any accompanying revision. These delays result in uncertainty as well as lost opportunities for implementing the NAAQS to protect the environment in a manner compatible with a robust American economy. CASAC has previously expressed support for the goal of expediting the process so that it is completed within the five-year review cycle, noting that “the Agency is perpetually caught in a bind of needing to ‘hurry things along’ in order to meet a court-ordered deadline or consent decree”⁹ and that “any slippage in schedules” for key steps in the review process “may jeopardize the quality of CASAC’s input.”¹⁰ EPA and CASAC shall look for efficiencies and opportunities to streamline the NAAQS review process to ensure that they finish within a five-year interval. For the next review of the ozone NAAQS, EPA shall seek efficiencies through replacing the kick-off workshop with a more robust request for information, and shall consider combining its integrated science, risk and exposure, and policy assessment into a single review.¹¹ If these efficiencies are successful, EPA should follow this practice for future NAAQS reviews.

Principle 2: Address All CAA Provisions for NAAQS Reviews

Section 109(d)(2) of the CAA clearly identifies the roles and responsibilities of CASAC in providing important advice in the review of air quality criteria published under Section 108 and the NAAQS review process, including:

- Recommending any new NAAQS or revisions of existing criteria and standards as may be appropriate;
- Advising the Administrator of areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS;

⁸ 42 U.S.C. § 7409(d)(1).

⁹ Letter from Dr. Rogene Henderson, Chair, CASAC, to Stephen L. Johnson, Administrator (July 18, 2006) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-July-18-2006/\\$File/CASAC-07-18-06.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-July-18-2006/$File/CASAC-07-18-06.pdf).

¹⁰ Letter from Dr. Jonathan M. Samet, Chair, CASAC, to Stephen L. Johnson, Administrator (December 16, 2008) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Samet-NAAQSLtr-12-16-08/\\$File/Samet-NAAQS-12-16-08.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Samet-NAAQSLtr-12-16-08/$File/Samet-NAAQS-12-16-08.pdf).

¹¹ This process differs from EPA’s May 21, 2009 memorandum *Process for Reviewing National Ambient Air Quality Standards* in order to achieve more timely reviews. See *supra* note 4.



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ADMINISTRATOR

- Describing research efforts necessary to provide the required information;
- Advising the Administrator of the relative contribution to air pollution concentrations of natural as well as anthropogenic activity; and
- Advising the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS.

In many reviews, EPA has not followed all of the provisions of CAA Section 109(d)(2)(C). The Government Accountability Office has found that “CASAC has never provided advice on adverse social, economic, or energy effects related to NAAQS because EPA has never asked CASAC to do so.”¹² CASAC itself has expressed willingness to provide such advice to the Agency upon request. CASAC has also noted that previous EPA assessments have not always been clear “as to how background estimates might impact the primary and secondary standards.”¹³ EPA and CASAC have noted conflicting decisions regarding the role of background pollution, attainability, and technological feasibility in the NAAQS-setting process.¹⁴

CASAC advice on some of these topics may not be directly relevant to EPA’s process of setting primary and secondary standards that are “requisite” to protect public health and welfare. But although the Supreme Court has held that the Agency may not consider the costs of implementation when reviewing and revising the standards,¹⁵ the Court did note that CASAC’s “advice concerning certain aspects of ‘adverse public health . . . effects’ from various attainment strategies is unquestionably pertinent” to the NAAQS rulemaking record and relevant to the standard-setting process.¹⁶ Notably, the CAA does not require the Administrator to establish a primary NAAQS at a zero-risk level or at background concentration levels,¹⁷ but rather at a level that reduces risk sufficiently so as to protect public health with

¹²U.S. Govt. Accountability Office Report to Congressional Requestors, *EPA’s Science Advisory Board: Improved Procedures Needed to Process Congressional Requests for Scientific Advice* (June 2015) available at: <https://www.gao.gov/assets/680/670647.pdf>.

¹³ CASAC Review of the EPA’s Second Draft Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards, EPA-CASAC-14-004 (June 2014). (Deliberating on how to respond to public comment on high background levels in the Intermountain West, CASAC cited prior court decision relating to the role of background in standard setting, and noted that “the Second Draft PA was silent as to how the EPA intends to navigate between these . . . legal guidelines when considering background ozone in a policy and standard-setting context.”)

¹⁴ See *American Petroleum Institute v. Costle*, 665 F.2d 1176, 1185 (D.C. Cir. 1981) (“Attainability and technological feasibility are not relevant considerations in the promulgation of national ambient air quality standards.”). See also *Am. Trucking Ass’n v. EPA*, 283 F.3d 355, 379 (D.C. Cir. 2002) (“relative proximity to peak background ozone concentrations” are a factor EPA could consider when choosing among alternative levels).

¹⁵ See generally *Whitman v. American Trucking Assns.*, 531 U.S. 457 at 465-72, 475-76 (2001) (hereinafter *Whitman*).

¹⁶ *Whitman*, 531 U.S. at 470 n.2.

¹⁷ *Lead Industries Association v. EPA*, 647 F.2d 1130, 1156 n.51 (D.C. Cir. 1980).



E. SCOTT PRUITT
ADMINISTRATOR

an adequate margin of safety. The selection of any particular approach to providing an adequate margin of safety is a policy choice left specifically to the Administrator's judgment.¹⁸

Advice from CASAC on these issues would inform EPA's decisions on reviewing, revising, and implementing the NAAQS, as well as provide important policy context for the public, co-regulators, and the Agency.¹⁹ The Supreme Court has also observed that the provisions of CAA Section 109(d)(2)(C)(iv) "enable the Administrator to assist the States in carrying out their statutory role as primary *implementers* of the NAAQS."²⁰ Recent NAAQS reviews also show that EPA has inconsistently sought, and CASAC has inconsistently provided, advice on the relative contribution of natural and anthropogenic activity as well as other requirements in CAA Section 109(d)(2)(C). It should come as no surprise that many state environmental agencies have sought this advice, citing the "absolute need for a valid source of information about background concentrations,"²¹ as well as the need for this technical assistance in developing state implementation plans and understanding inter-pollutant tradeoffs.²²

In order to address the provisions of CAA Section 109(d)(2)(C), EPA intends to provide a standardized set of key questions to CASAC to frame the entirety of the NAAQS review.²³ CASAC has stated that "attention by EPA to the formulation and clarity of charge questions will result in a better focus of the

¹⁸ *Id.* at 1161-62; *cf. Whitman*, 531 U.S. at 495 (Breyer, J., concurring in part and concurring in the judgment) ("The statute also permits the Administrator to take account of comparative health risks," and a "rule likely to cause more harm to health than it prevents is not a rule that is 'requisite to protect the public health.'").

¹⁹ As noted above, some aspects of CASAC advice may not be relevant to EPA's process of setting primary and secondary standards that are requisite to protect public health and welfare. Indeed, were EPA to consider costs of implementation when reviewing and revising the standards "it would be grounds for vacating the NAAQS." *Whitman*, 531 U.S. at 471 n.4. At the same time, the CAA directs CASAC to provide advice on such matters to the Administrator. 42 U.S.C. § 7409(d)(2)(C).

²⁰ *Whitman*, 531 U.S. at 470.

²¹ Comment submitted by L. David Glatt, Chief, Environmental Health Section, North Dakota Department of Health et al., ID: EPA-HQ-OAR-2008-0699-2570 (March 17, 2015) available at <https://www.regulations.gov/document?D=EPA-HQ-OAR-2008-0699-2570>.

²² Letter from Peggy Hatch, Louisiana Department of Environmental Quality, to Senator David Vitter, RE: *Views on the CASAC Process* (May 27, 2014) available at: https://web.archive.org/web/20150110124050/http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=78659f58-83aa-4c06-9832-86d90efb0b7d; Letter from Chairman Bryan Shaw, Texas Commission on Environmental Quality, to Senators Vitter, Cornyn, Inhofe, Sessions, and Scott (May 23, 2014) available at: https://web.archive.org/web/20150110123616/http://www.epw.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=e3c917db-ccf9-4c22-8d8b-d783458fd5fe.

²³ This process differs from EPA's May 21, 2009 memorandum *Process for Reviewing National Ambient Air Quality* as well as recent NAAQS reviews in order to standardize the advisory process, consistent with the CAA. See *supra* note 4.



E. SCOTT PRUITT
ADMINISTRATOR

review process on the key policy-relevant issues.”²⁴ In conducting its thorough review of the air quality criteria, which “shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air, in varying quantities,”²⁵ EPA and CASAC should not unduly narrow the scope of “identifiable effects” to be considered in that review. Therefore, the overarching charge questions should be broad and inclusive while focusing on the critical questions that are central to decisions on the standards. Specifically, EPA intends to pose the following charge questions to CASAC throughout the NAAQS review process, supplementing these questions with more detailed requests as necessary:

- What scientific evidence has been developed since the last review to indicate if the current primary and/or secondary NAAQS need to be revised or if an alternative level or form of these standards is needed to protect public health and/or public welfare?²⁶ Please recommend to the Administrator any new NAAQS or revisions of existing criteria and standards as may be appropriate. In providing advice, please consider a range of options for standard setting, in terms of indicators, averaging times, form, and ranges of levels for any alternative standards, along with a description of the alternative underlying interpretations of the scientific evidence and risk/exposure information that might support such alternative standards and that could be considered by the Administrator in making NAAQS decisions.
- Are there areas in which additional knowledge is required to appraise the adequacy and basis of existing, new, or revised NAAQS? Please describe the research efforts necessary to provide the required information.
- What is the relative contribution to air pollution concentrations of natural as well as anthropogenic activity? In providing advice on any recommended NAAQS levels, please discuss relative proximity to peak background levels.^{27*}
- Please advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such NAAQS.*
-

²⁴ Letter from Dr. Jonathan M. Samet, Chair, CASAC, to Stephen L. Johnson, Administrator (December 16, 2008) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Samet-NAAQSLtr-12-16-08/\\$File/Samet-NAAQS-12-16-08.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Samet-NAAQSLtr-12-16-08/$File/Samet-NAAQS-12-16-08.pdf).

²⁵ 42 U.S.C. § 7408(a)(2).

²⁶ Letter from Dr. Rogene Henderson, Chair, CASAC, to Stephen L. Johnson, Administrator (May 12, 2006) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-05-12-06/\\$File/CASAC-05-12-06.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-05-12-06/$File/CASAC-05-12-06.pdf).

²⁷ In accordance with the President’s *Memorandum on Promoting Domestic Manufacturing and Job Creation—Policies and Procedures Relating to Implementation of Air Quality Standards* (83 Fed. Reg. 16,761), this discussion may include whether a state’s ability to attain the NAAQS may be affected by international transport of criteria pollutants as well as a relevant assessment of background concentrations and sources of pollution outside of the control of state and local air agencies, including current and future trends in pollution from foreign sources and regional trends in exceptional events.





E. SCOTT PRUITT
ADMINISTRATOR

- Do key studies, analyses, and assessments which may inform the Administrator's decision to revise the NAAQS properly address or characterize uncertainty and causality? Are there appropriate criteria to ensure transparency in the evaluation, assessment and characterization of key scientific evidence for this review?²⁸

*These charge questions may elicit information which is not relevant to the standard-setting process, but provides important policy context for the public, co-regulators, and EPA.

EPA should examine an appropriate mechanism, including opportunities after CASAC has provided its final advice on the standards, to facilitate robust feedback on background pollution and adverse NAAQS implementation effects. Appropriate mechanisms to facilitate advice on these issues might include:

- Inclusion of related material in EPA assessments, where appropriate;
- CASAC review of the regulatory impact analysis accompanying any proposed revision to the NAAQS, as this analysis will likely include some discussion of health, welfare, social, economic, and energy effects; and/or
- CASAC review of timely issued implementation rules or guidance accompanying any final revision to the NAAQS.

Principle 3: Streamline and Standardize the Process for Development and Review of Key Policy-Relevant Information

EPA's Integrated Science Assessments (ISA), Risk and Exposure Assessments (REA), and Policy Assessments (PA) should focus on policy-relevant science and on studies, causal determinations, or analysis that address key questions related to the adequacy of primary and secondary NAAQS, including levels near—both above and below—the current standard(s). Policy-relevant science may also include information that directly relates to the indicator, averaging time, form, and level of a NAAQS as well as alternative policy approaches. CASAC has previously recommended that “policy-relevant considerations be developed earlier” in the NAAQS review process²⁹ and noted that “the vast majority of the reported studies are not relevant to the setting of the standard, either because they have not been published since

²⁸ For example, see Letter from George Wolff and Roger McClellan, Chairmen, CASAC, to Carol Browner, Administrator, *Data Sets for PM₁₀* (May 16, 1994) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/A0D2AE11E6AD6E44852571BD00581CE8/\\$File/PM10+DATA+SET+S++CASAC-COM-94-005_94005_4-27-1995_38.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/A0D2AE11E6AD6E44852571BD00581CE8/$File/PM10+DATA+SET+S++CASAC-COM-94-005_94005_4-27-1995_38.pdf).

²⁹ Letter from Dr. Jonathan M. Samet, Chair, CASAC, to Stephen L. Johnson, Administrator (December 16, 2008) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Samet-NAAQSLtr-12-16-08/\\$File/Samet-NAAQS-12-16-08.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Samet-NAAQSLtr-12-16-08/$File/Samet-NAAQS-12-16-08.pdf).



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the previous NAAQS were set or because they were conducted at concentration levels so high as to be irrelevant to the consideration of a public-health- or public-welfare-based environmental standard.”³⁰

The Agency shall identify more efficient ways to conduct a thorough scientific assessment of the relevant air quality criteria for each review, focusing on comprehensive synthesis of the relevant science for each pollutant.³¹ CASAC has frequently identified reducing the length and complexity of the ISA as a key process improvement for streamlining NAAQS reviews. Specifically, recent advances in information sciences and EPA’s Health and Environmental Research Online (HERO) database have made it possible to quickly identify the evidence most likely to influence a NAAQS review. EPA should consider focusing that review on the synthesis chapter, and relying for the other aspects of the process on the request for information process as well as CASAC expertise in identifying gaps or key studies. As CASAC has noted, the members of the pollutant-specific panels are “carefully selected for their cutting-edge knowledge... and therefore already familiar with the key studies that are related to EPA’s standards-setting process.”³² While EPA should incorporate insights and feedback from other Federal agencies when appropriate during NAAQS reviews, this memorandum updates EPA policy to not require specific outreach to agencies.³³

In developing additional analyses in the REA or elsewhere, EPA should focus on policy-relevant information which incorporates appropriate thresholds and/or background levels for context. The PA represents an EPA-wide perspective to help “bridge the gap” between scientific assessment and the judgments required of the Administrator in determining whether to retain or revise standards. As in the past, the PA should “describe a range of options for standard setting, in terms of indicators, averaging times, form, and ranges of levels for any alternative standards, along with a description of the alternative underlying interpretations of the scientific evidence and risk/exposure information that might support such alternative standards and that could be considered by the Administrator in making NAAQS decisions.”³⁴ Written in plain English, this document will be released for CASAC review and public

³⁰ Letter from Dr. Rogene Henderson, Chair, CASAC, to Stephen L. Johnson, Administrator (May 12, 2006) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-05-12-06/\\$File/CASAC-05-12-06.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-05-12-06/$File/CASAC-05-12-06.pdf).

³¹ CASAC Review of the EPA’s Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter – Ecological Criteria, EPA-CASAC-17-004, (First External Review Draft – February 2017) (“The CASAC finds that reducing the length of the Draft ISA and Executive Summary would make the document more accessible.”).

³² Letter from Dr. Rogene Henderson, Chair, CASAC, to Stephen L. Johnson, Administrator (July 18, 2006) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-July-18-2006/\\$File/CASAC-07-18-06.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-July-18-2006/$File/CASAC-07-18-06.pdf).

³³ This process differs from EPA’s May 21, 2009 memorandum *Process for Reviewing National Ambient Air Quality Standards* in order to achieve more timely reviews. See *supra* note 4.

³⁴ Memorandum from Marcus Peacock, Deputy Administrator, to George Gray, Assistant Administrator for Research and Development, and Bill Wehrum, Acting Assistant Administrator for Air and Radiation, *Process for*



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comment. This process will help ensure that, consistent with EPA's commitment to cooperative federalism, states, tribes, and local governments, who have "direct concerns regarding the protection of their citizens" and who "must also shoulder the burden of implementing NAAQS," have an opportunity to provide feedback prior to any proposed revision of the NAAQS.³⁵

EPA should strive to ensure that initial drafts of all documents are sufficiently robust and complete to serve as adequate vehicles for review from both the CASAC and the public, and CASAC should strive to focus on significant comments for these drafts to avoid multiple draft reviews whenever possible. EPA focus on providing CASAC with assessments and chapters succinctly reflect the most salient information, and CASAC focus on providing clear scientific, not editorial, advice, will prevent the inefficiency of what one former CASAC Chair called a "ping-pong" review process with review of multiple drafts.³⁶ The Agency should seek additional efficiencies in each step in the review process (shown as a schematic in Figure 1), redesigning those steps as needed, and utilizing, in the most efficient manner possible, only those steps that add value in a particular review.

Reviewing National Ambient Air Quality Standards (December 7, 2006) available at:
https://www3.epa.gov/ttn/naaqs/pdfs/memo_process_for_reviewing_naaqs.pdf.

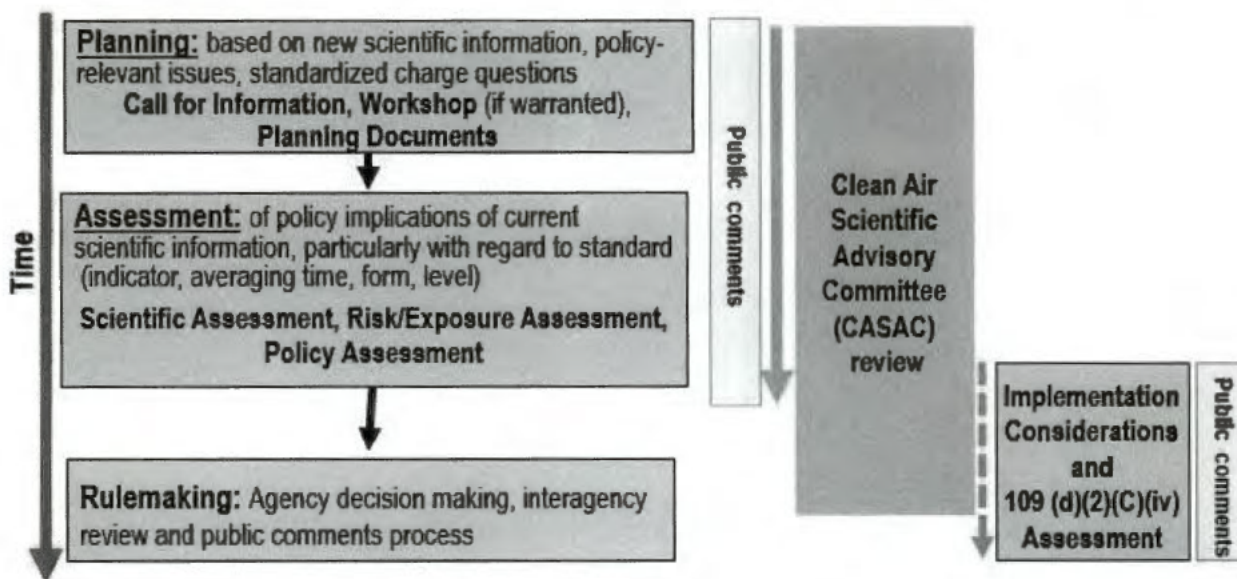
³⁵ Letter from Marcus Peacock, Deputy Administrator, to Dr. Rogene Henderson, Chair, CASAC (Sep. 8, 2008) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC_09-08-08/\\$File/CASAC%20Letter%20to%20Dr%20Rogene%20Henderson.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC_09-08-08/$File/CASAC%20Letter%20to%20Dr%20Rogene%20Henderson.pdf).

³⁶ Comment, Dr. Rogene Henderson, Chair, CASAC (March 6, 2006) available at:
[https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Vanessa%20Memo_03-16-06/\\$File/sabso-casac_memo_and_comments.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/Vanessa%20Memo_03-16-06/$File/sabso-casac_memo_and_comments.pdf).



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Figure 1. Schematic of the steps associated with a streamlined and efficient NAAQS review.



Principle 4: Differentiate Science and Policy Considerations in NAAQS Review Process

Section 109 of the CAA provides a framework for timing of NAAQS reviews and the role of CASAC in the review process. However, at the end of the process, the law directs the EPA Administrator to make the final decision as to whether a particular standard is requisite or needs to be revised. The Agency should establish a clearer distinction between the purely scientific findings of the ISA and the wider range of policy concerns that the Administrator must consider in making judgments about requisite standards. In addition, EPA should request CASAC to distinguish clearly between its scientific and policy advice, and to focus on core questions when providing advice to the Administrator under the Clean Air Act. CASAC and EPA should, consistent with CASAC's charter, seek to find consensus, but should allow for individual CASAC members to share their own individual opinions when they fall outside committee consensus.³⁷ Like the key charge questions that should be answered throughout a NAAQS review,

³⁷Letter from Dr. Rogene Henderson, Chair, CASAC, to Stephen L. Johnson, Administrator (July 18, 2006) available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-July-18-2006/\\$File/CASAC-07-18-06.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/WebCASAC/CASAC-July-18-2006/$File/CASAC-07-18-06.pdf). ("When the CASAC thinks that the science presented in a particular document is adequate for rulemaking, it will affirmatively state so in the closing paragraph of the final letter to the Administrator regarding the review of that document. (As stated in the 1979 memo, this does not mean that minority opinions do not exist, and, when necessary, individual members are permitted to document these.)")





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participants in the NAAQS-setting process should be “continually reminded of the need for distinguishing between scientific evaluation and policy decisions.”³⁸

Principle 5: Issue Timely Implementation Regulations and Guidance

When a NAAQS is revised, the Agency should, where appropriate and consistent with law, provide concurrently with the finalization of that revision implementation regulations and guidance, as well as technical information to assist state co-regulators in developing approvable plans intended to show how any new NAAQS is to be attained and maintained.³⁹ In the past, EPA implementation regulations and guidance have often trailed NAAQS revisions by years, which may hinder co-regulators from completing the required steps to administer the NAAQS at the state level.⁴⁰ Failure to issue timely implementation regulations and guidance may contribute to nonattainment areas not attaining the NAAQS as quickly as practicable, as well as the misallocation of state planning resources. These rules and guidance should provide information relevant to the submission and consideration of state implementation plans and preconstruction permit applications, and may address potential tools for regulatory relief to address background concentrations and sources of pollution outside of the control of state and local air agencies.

The NAAQS review process is one of the fundamental and most significant elements of the EPA’s core mission to guarantee clean air for all Americans. Using the five governing principles listed above, the Agency is recommitting itself to a review process that protects public health and the environment, and is timely, complete, based on transparent information, balanced with respect to policy and science, and determined to inform our state partners with the information needed to enact any revisions to the NAAQS.

³⁸ NAAQS Process Report, Attachment 3-B (March 2006) available at: https://www3.epa.gov/ttn/naaqs/pdfs/naaqs_process_report_march2006_attachments.pdf.

³⁹ See 83 Fed. Reg. 16,761 (April 12, 2018).

⁴⁰ EPA, Final Report on Review of Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources Under Executive Order 13783 (Oct. 25, 2017) available at: <https://www.epa.gov/sites/production/files/2017-10/documents/eo-13783-final-report-10-25-2017.pdf>.




E. SCOTT PRUITT
ADMINISTRATOR

March 30, 2018

MEMORANDUM

SUBJECT: Delegation of Authority 2-43

FROM: E. Scott Pruitt 

TO: Assistant Administrator, Office of Water
Regional Administrators

2-43. Section 404 Dredged and Fill Material Permitting (1200 TN 396)

1. AUTHORITY

- a. To approve grants pursuant to Section 104(b)(3) of the *Clean Water Act* for research, investigations, experiments, training, demonstrations, surveys and studies related to development of wetlands protection programs, including those programs to issue permits for disposal of dredged or fill material (Section 404(g));
- b. To review, comment on and/or object to applications for state permits in a state with an approved assumed Section 404 permit program (Section 404(j));
- c. To approve or deny state program submissions (Section 404(h));
- d. To approve or deny revisions to approved state programs (Section 404(h));
- e. To review and comment on U.S. Army Corps of Engineers Section 404 public notices (Section 404(q));
- f. To restrict or prohibit designation of disposal sites (Section 404(c));
- g. To request review by the Assistant Secretary of the Army of proposed permit decisions;
- h. To approve regional designations, including changes, of special cases and special Section 404(f) matters (Memorandum of Agreement with Department of the Army); and
- i. To make final determinations of applicability of Section 404(f).

2. TO WHOM DELEGATED

- a. The authority in paragraph 1.a is delegated to the Assistant Administrator for Water and the regional administrators.
- b. The authorities in paragraphs 1.b - 1.e and 1.i are delegated to the regional administrators.



- c. The authorities in paragraphs 1.f - 1.h are delegated to the Assistant Administrator for Water.

3. LIMITATIONS

- a. The Assistant Administrator for Water may exercise the authority under paragraph 1.a for research, investigations, experiments, training, demonstrations, surveys and studies having national applicability (e.g. that can be utilized throughout the United States, development of cumulative impact assessment techniques that can be used for project reviews in all parts of the United States).
- b. Regional administrators may exercise the authority under paragraph 1.a. for research, investigations, experiments, training, demonstrations, surveys and studies having regional applicability (e.g. development of public education materials for a particular state wetlands protection program, development of wetlands evaluation techniques designed for a specific wetland type found in one region).
- c. Regional administrators are delegated authority under paragraph 1.b to transmit the consolidated federal comment on a state permit application in an approved, assumed state program. This initial comment letter transmitting the consolidated federal comment to the appropriate state permitting agency is referred to as the "A" letter.
- d. Regional administrators are delegated authority under paragraph 1.b to send letters to the appropriate state permitting agency, either sustaining or removing an outstanding federal objection. This letter either sustaining or removing an outstanding federal objection is referred to as the "B" letter. Concurrence by the Assistant Administrator for Water is required (1) on the first three "B" letters in a region sustaining an objection to the state's permit decision, thus transferring the permit to the Corps of Engineers, and (2) on the first three "B" letters allowing the state to issue a permit over the objections of the Corps of Engineers, U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.
- e. For permits reviewed after the concurrences in 3.d above are complete, regions shall keep the director of the wetlands division informed about "A" letters and potential "B" letters in accordance with coordination procedures developed by the director and the regions.
- f. Regional administrators must obtain the concurrence of the Assistant Administrator for Water, the Assistant Administrator for Enforcement and Compliance Assurance or designee, and the General Counsel prior to approving state program submissions. Concurrence may be waived by memorandum; however, each waiver must be authorized by the Assistant Administrators for Water and Enforcement and Compliance Assurance and the General Counsel. The regional administrator is responsible for maintaining a record of any waivers of this limitation and sending a copy of the waiver to the management and organization division.
- g. Concurrence by the Assistant Administrator for Enforcement and Compliance Assurance or designee is only required when these permits involve enforcement issues.

4. REDELEGATION AUTHORITY

- a. The authority in paragraph 1.a that is delegated to the Assistant Administrator for Water is redelegated to the Director, Office of Wetlands, Oceans and Watersheds, and may be

redelegated to the appropriate division director within the Office of Wetlands, Oceans and Watersheds and may not be redelegated further.

- b. The authority in paragraph 1.a that is delegated to the regional administrators, and the authorities in paragraphs 1.c and 1.d may be redelegated to the appropriate division director within each region and may not be redelegated further.
- c. The authority in paragraph 1.b to send the coordinated federal comment (“A” letter) to the state permitting agency may be redelegated to the appropriate section chief in each region and may not be redelegated further.
- d. The authority in paragraph 1.b to send the letter sustaining the outstanding federal objection (“B” letter) may not be redelegated; the authority to send the letter removing the outstanding federal objection (“B” letter) may be redelegated to the appropriate division director in each region and may not be redelegated further.
- e. The authorities in paragraph 1.e may be redelegated to the regional wetlands coordinator within each region and may not be redelegated further.
- f. The authority in paragraphs 1.f and 1.g may not be redelegated.
- g. The authority in paragraph 1.h is redelegated to the Director, Office of Wetlands, Oceans and Watersheds and may be redelegated to the regulatory activities division director within the Office of Wetlands, Oceans and Watersheds and may not be redelegated further.
- h. The authority in paragraph 1.i may be redelegated to the appropriate section chief within each region and may not be redelegated further.
- i. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES

- a. 40 CFR Part 30, 31
- b. EPA Order 1000.23
- c. Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency concerning the determination of the geographic jurisdiction of the Section 404 program and the application of the exemptions under Section 404(f) of the *Clean Water Act*, dated January 19, 1989.

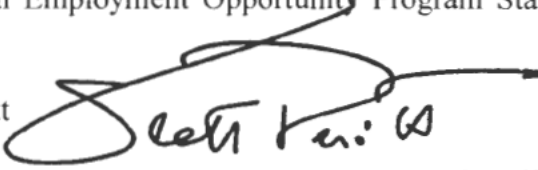


E. SCOTT PRUITT
ADMINISTRATOR

April 30, 2018

MEMORANDUM

SUBJECT: Delegation of Authority to Sign the U.S. Environmental Protection Agency's Annual Equal Employment Opportunity Program Status Report for Fiscal Year 2017

FROM: E. Scott Pruitt 

TO: Helena Wooden-Aguilar, Acting Deputy Chief of Staff
Office of the Administrator

I hereby delegate to Helena Wooden-Aguilar, Acting Deputy Chief of Staff, the authority to sign the U.S. Environmental Protection Agency's annual Equal Employment Opportunity Program Status Report for fiscal year 2017. This report is to be submitted to the U.S. Equal Employment Opportunity Commission.

cc: Tanya Lawrence, OCR



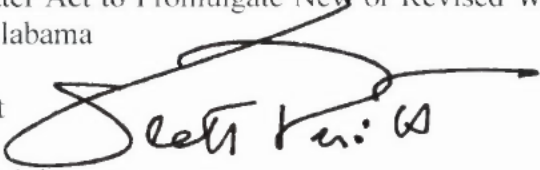


E. SCOTT PRUITT
ADMINISTRATOR

March 7, 2018

MEMORANDUM

SUBJECT: Temporary Delegation of Authority to Respond to a Petition for Rulemaking under the Clean Water Act to Promulgate New or Revised Water-Quality Standards for the State of Alabama

FROM: E. Scott Pruitt 

TO: Assistant Administrator
Office of Water

I hereby delegate to the assistant administrator for the Office of Water the authority to sign the U. S. Environmental Protection Agency's decision responding to the February 3, 2017, petition submitted by Environmental Defense Alliance, et al., requesting that the EPA establish new and revised water-quality standards for the protection of human health and aquatic life via federal rulemaking in Alabama.

1. **AUTHORITY.** To respond, pursuant to Sections 553(e) and 555(b) of the Administrative Procedure Act, to the February 3, 2017, petition submitted by Environmental Defense Alliance, et al.
2. **TO WHOM DELEGATED.** The assistant administrator for the Office of Water.
3. **LIMITATIONS.** This delegation is limited to the purposes stated above and may be exercised only within the limitations of the Clean Water Act.
4. **REDELGATION AUTHORITY.** This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.** None.

